

The D.C. Circuit tossed a petition by the Electronic Privacy Information Center on Tuesday that sought to review small drone rules promulgated by the Federal Aviation Administration, finding the nonprofit lacked standing to mount a challenge over the exclusion of privacy safeguards. [Read more »](#)

INTERNATIONAL TRADE

Norway Hits US With WTO Complaint Over Metal Tariffs

Norway has hit back against President Donald Trump's steel and aluminum tariffs and filed a complaint with the World Trade Organization claiming that the duties violate global trade agreements, the WTO said Tuesday. [Read more »](#)

Trump Admin. Has No Plan For China Talks After Tariff Push

The Trump administration has no imminent plans to hold new negotiations with China to resolve the two countries' escalating intellectual property and tariff fight, White House trade adviser Peter Navarro said Tuesday, adding that fruitless recent meetings with the Chinese side have shown that "talk is cheap." [Read more »](#)

TAX

Pension Tax Ballot Measure Not Deceiving, Fla. Panel Says

A Florida state appeals court has refused to invalidate a 2016 Jacksonville vote that established a half-penny surtax to fund the city's pension liability, finding the measure's title and summary weren't crafted in a misleading manner. [Read more »](#)

IMMIGRATION

2 Sens. Oppose Trump's State Dept. Refugee Office Pick

Sens. John McCain, R-Ariz., and Chris Coons, D-Del., on Tuesday penned a letter to U.S. Secretary of State Mike Pompeo opposing President Donald Trump's pick to head an office within the U.S. Department of State dealing with refugees and migrants, arguing that the nominee's anti-immigrant writings make him unfit for the position. [Read more »](#)

NY Plans Suit Over Family Separations At Border

New York Gov. Andrew Cuomo said Tuesday that he and several Empire State government agencies plan to sue President Donald Trump's administration alleging constitutional rights violations for the migrant children pouring into federal shelters in the state. [Read more »](#)

USCIS Expects Delays In Finalizing EB-5 Rule Changes

U.S. Citizenship and Immigration Services does not anticipate taking final action on a set of proposed modifications to the controversial EB-5 Immigrant Investor Program before authorization for its regional centers expires in late September, Director L. Francis Cissna told the Senate Judiciary Committee on Tuesday. [Read more »](#)

TELECOMMUNICATIONS

Sprint, T-Mobile Officially Ask FCC Permission To Merge

T-Mobile and Sprint have asked the Federal Communications Commission for permission to combine forces, according to merger documents posted Tuesday. [Read more »](#)

Gov't Control Has Stifled Spectrum Use, Think Tank Says

Regulation of spectrum has curbed its potential productivity at a time when consumers and the country rely upon fast, ubiquitous wireless internet more than ever, according to a new

report by a free-market think tank. [Read more »](#)

PEOPLE

Ex-NBA Union Atty Joins DC AG As Senior Litigation Counsel

A former general counsel of the National Basketball Players Association who helped ink a \$70 billion collective bargaining agreement for the union has joined the Office of the Attorney General for the District of Columbia as senior counsel for litigation. [Read more »](#)

Q&A

Q&A

A Chat With Holland & Knight CFO Mia Stutzman

In this monthly series, legal recruiters at Major Lindsey & Africa interview management from top law firms about navigating an increasingly competitive business environment. Here we feature Mia Stutzman, chief financial officer at Holland & Knight LLP. [Read more »](#)

EXPERT ANALYSIS

New Frontier Of US Health Info Regulation Comes From EU

While the U.S. Department of Health and Human Services Office of Civil Rights has been quiet recently with respect to Health Insurance Portability and Accountability Act enforcement actions, the newly empowered EU data protection authorities will be eager to flex their muscles and show that the General Data Protection Regulation's extraterritorial reach is not only real, but that noncompliance can be painful, say Nancy Libin and David Saunders of Jenner & Block LLP. [Read more »](#)

New Licenses Ease Ukraine, Russia Business Wind-Downs

The U.S. Department of Treasury Office of Foreign Assets Control continues its effort to

allow U.S. persons to wind down operations or existing contracts that would otherwise violate Ukraine- and Russia-related sanctions. Even though OFAC has issued general licenses for this purpose, U.S. persons may need to obtain specific licenses to fully divest their interests, say attorneys with Schulte Roth & Zabel LLP. [Read more »](#)

Series

FLSA Turns 80: A Closer Look At Conditional Cert. Standard

While the adoption of the two-stage standard for collective action certification may have been born of good intention, its current interpretation strains judicial resources and forces settlement regardless of the merits of Fair Labor Standards Act litigation, say Sari Alamuddin and Allison Powers of Morgan Lewis & Bockius LLP. [Read more »](#)

Opinion

Oregon Should Reinstate Its Tax Haven Law

Repeal of the Oregon tax haven provision was an unwarranted giveaway to profitable multinational corporations that are exploiting foreign tax havens to shift profits earned in Oregon beyond the tax reach of the state. The law should be reinstated, says Michael Mazerov of the Council on Budget and Policy Priorities. [Read more »](#)

Rebuttal

Physician Observation Billing Concerns Are Unwarranted

A recent Expert Analysis article titled "Challenges In Billing Physician Observation Services" needlessly raises concern among hospitals and physicians about proper billing by physicians for Medicare observation services, says Sheree Kanner of Hogan Lovells. [Read more »](#)

#MeToo At Law Firms And What We Can Do About It

While some may say it's ironic, it's also embarrassing and enraging that the very industry that offers anti-harassment training, policies and counsel now finds itself the subject of #MeToo headlines. The American Bar Association recommendation that will bring about the greatest change is the call to provide alternative methods for reporting violations, says Beth Schroeder, chair of Raines Feldman LLP's labor and employment group. [Read more »](#)

LEGAL INDUSTRY

Jones Day Sued Over Alleged Gender Bias, 'Fraternity Culture'

A former Jones Day partner sued the firm in California court Tuesday for allegedly treating women as "second-class citizens," providing preferential treatment to men and firing her for speaking out against its alleged "fraternity culture." [Read more »](#)

Analysis

3 Takeaways From The Recent Round Of Associate Raises

The recent race among law firms to raise salaries and bonuses for associates is likely to change the recruitment landscape for young lawyers and put further distance between an elite echelon of highly profitable firms that can attract the top talent and everyone else, but the upshot for clients is less clear. [Read more »](#)

Reed Smith And Greenberg Opt Out Of Associate Pay Raises

As more law firms each day announce their decisions to raise associate pay to match new industry benchmarks set earlier this month by Milbank Tweed Hadley McCloy LLP and Cravath Swaine & Moore LLP, a few law firms have made it clear they plan to opt out. [Read more »](#)

2 More Law Firms Match Cravath's Associate Pay Raises

Vinson & Elkins LLP and Kramer Levin Naftalis & Frankel LLP have both announced associate raises matching the new pay scale set by Cravath Swaine & Moore LLP last week, according to internal memos made public over the past days. [Read more »](#)

Ex-Prof Slams For-Profit Law School's Bid To Slip FCA Suit

A former professor and an alumnus of the now-closed Charlotte School of Law slammed it and its parent company, Infilaw Corp., in a filing in Florida federal court Monday, deriding their attempts to escape a False Claims Act suit over how the for-profit institution was operated. [Read more »](#)

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From: Public Policy Law360

Sent: Tuesday, June 26, 2018 5:01 AM

To: Rep48

Subject: Justices Kick Florist Gay Bias Suit To Wash. Supreme Court



Tuesday, June 26, 2018



TOP NEWS

Justices Kick Florist Gay Bias Suit To Wash. Supreme Court

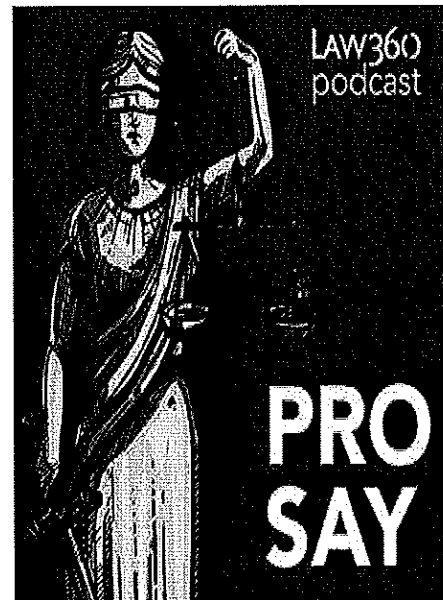
The U.S. Supreme Court on Monday told the Washington Supreme Court to reconsider whether a florist violated state law by refusing to make a flower arrangement for a gay wedding in light of the court's recent ruling that a Colorado civil rights panel had it in for a baker accused of anti-gay bias. [Read more »](#)

Supreme Court To Hear Case Against Social Security Agency

The U.S. Supreme Court agreed Monday to weigh in on whether job-market experts need to support their conclusions with data when recommending that a judge deny someone Social Security disability benefits because they allegedly could have performed other work. [Read more »](#)

Supreme Court Hands Texas Win In Redistricting Row

The U.S. Supreme Court on Monday largely sided with the state of Texas in a redistricting battle that's been ongoing since 2011, holding in a 5-4 opinion that, with the exception of one state electoral district that was a "racial



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LAW FIRMS

Anthony Kennedy PC

Baldwin Crocker

Bricker & Eckler

Clark Hill

Clyde & Co

Cohen Milstein

Covington & Burling

Cozen O'Connor

gerrymander," the maps can be used moving forward. [Read more »](#)

6th Circ. Says Ohio Judicial Campaign Laws Constitutional

In a precedential opinion Monday, the Sixth Circuit upheld Ohio's restrictions on judicial candidates, saying limits on fundraising, open party affiliation and endorsements "toed [the] constitutional tightrope" and were designed to protect both real and perceived judicial impartiality. [Read more »](#)

EPA Kicks Off Ozone Standard Review

The U.S. Environmental Protection Agency on Monday embarked on an ambitious plan to complete its five-year review of air quality standards for ozone on time, a longtime goal for the agency, but part of the EPA's new methodology has been criticized as too accommodating to industry interests. [Read more »](#)

DHS Stands By Decision To End DACA In DC Court Challenge

The U.S. Department of Homeland Security defended its plan to end the Deferred Action for Childhood Arrivals program, arguing in a memo Friday that the 2012 program protecting certain young unauthorized immigrants from deportation was illegal. [Read more »](#)

Trump Not Eyeing Broader Investment Restrictions: Adviser

A trade adviser to President Donald Trump asserted on Monday that the administration is not considering imposing broad foreign investment restrictions as part of the nation's response to its current intellectual property and trade conflicts with China and other countries. [Read more »](#)

BANKING & SECURITIES

Cravath Swaine
Dorsey & Whitney
Downey Brand
Epstein Becker Green
Fennemore Craig
Foley & Lardner
Gibson Dunn
Hall Lamb
Hillis Clark
Hogan Lovells
Hudson Cook
Jenner & Block
Jones Day
Kamer Zucker
King & Spalding
Kirkland & Ellis
Manatt Phelps
Matheny Sears
Mayer Brown
Milbank Tweed
Morrison & Foerster
Native American Rights Fund
Norris McLaughlin
Norton Rose Fulbright
O'Melveny & Myers
Ogletree Deakins
Rosette LLP
Rushford & Bonotto
Schiff Hardin
Schulte Roth
Sedgwick LLP
Snell & Wilmer
Stoel Rives
Susman Godfrey
Thierman Buck
White & Case
Williams & Connolly
WilmerHale

High Court To Decide Service Row In USS Cole Bombing Case

The U.S. Supreme Court will take up an appeal over service requirements under the Foreign Sovereign Immunities Act that's triggered a split in the circuit courts, granting on Monday Sudan's bid to review whether victims of the 2000 USS Cole bombing are entitled to a \$315 million default judgment after case documents were sent to the country's U.S. embassy. [Read more »](#)

ENERGY & ENVIRONMENTAL

DOL's Mine Office Looking Into New Vehicle, Conveyor Rules

The U.S. Department of Labor's mine safety office may issue new regulations aimed at reducing deaths related to mining vehicle accidents and the use of belt conveyor systems, according to an information request set to be published in the Federal Register on Tuesday. [Read more »](#)

Senate Passes Energy, Water, Construction Spending Bill

The Senate passed a bill providing tens of billions of dollars in federal spending on energy and water projects, military construction and veterans' affairs Monday, the first funding bill for the next fiscal year to pass the chamber. [Read more »](#)

NRDC Asks High Court To Back EPA Authority In HFC Row

The National Resource Defense Council on Monday asked the U.S. Supreme Court to take on its challenge to an appeals court's determination that the U.S. Environmental Protection Agency rule forcing manufacturers to stop using hydrofluorocarbons was invalid, arguing the decision "relegates EPA to the role of neighborhood scold." [Read more »](#)

EMPLOYMENT

Winston & Strawn

COMPANIES

7-Eleven Inc.

Adidas AG

Alliance Defending Freedom

Amazon.com Inc.

American Cable Association

American Civil Liberties Union

American Federation of Labor and Congress of Industrial Organizations

American Federation of Teachers

American Petroleum Institute Inc.

American Trucking Associations Inc.

Ames & Gough

Archdiocese of Washington

Arkema SA

Cambridge University Press Ltd.

Chevron Corp.

DISH Network Corporation

FedEx Corp.

Ford Motor Co.

Goldman Sachs Group Inc.

Harley-Davidson, Inc.

Integrity Staffing Solutions

Ironshore Inc.

Kimpton Hotel & Restaurant Group LLC

Mexican American Legal Defense and Education Fund

Microsoft Corporation

NFL Enterprises LLC

National Employment Law Project

National Immigration Law Center

National Mining Association

National Restaurant Association

Natural Resources Defense Council

Justices Turn Away Tip Pool Suits After Congress Steps In

The U.S. Supreme Court on Monday turned away two appeals challenging the U.S. Department of Labor's 2011 rule barring businesses from making tipped workers share their gratuities with nontipped workers such as dishwashers, declining the cases after Congress pulled parts of the rule in this year's federal spending bill. [Read more »](#)

Ex-NJDOT Ethics Officer Can't Duck Suspension, Court Says

A New Jersey state appeals court on Monday refused to disturb a five-day suspension issued to a former ethics liaison officer at the state Department of Transportation for not completing 1,267 ethics forms and not providing ethics training to 119 new agency employees before he was transferred to another position. [Read more »](#)

CONSUMER PROTECTION

Analysis

NY Ruling Could Fuel Push To Turn CFPB Into Commission

A Manhattan federal judge's recent ruling that the Consumer Financial Protection Bureau is structured unconstitutionally could strengthen the hand of those who want to convert the agency's leadership from a single director to a bipartisan commission, experts said. [Read more »](#)

INTERNATIONAL TRADE

EU, China Eye Closer Economic Ties Amid Trump Trade Brawl

As the Trump administration imposes and threatens new trade barriers on key allies, two of its largest trading partners, the European Union and China, held talks on Monday to draw their economies closer together through a

New York Times Co.

PHH Corporation

Public Company Accounting Oversight Board

QBE Insurance Group

Quill Corp.

Saudi Arabian Oil Co.

Sierra Pacific Industries Inc.

The DIRECTV Group, Inc.

The Florida Bar

Twitter Inc.

Valeo SA

Wayfair LLC

XL Catlin

GOVERNMENT AGENCIES

American Battle Monuments Commission

Army Corps of Engineers

Bureau of Reclamation

Bureau of Safety and Environmental Enforcement

California Natural Resources Agency

Consumer Financial Protection Bureau

Eastern Shoshone Tribe

European Commission

European Union

Executive Office of the President

Federal Aviation Administration

Federal Communications Commission

Federal Trade Commission

Internal Revenue Service

Massachusetts Legislature

Michigan Department of Treasury

Mine Safety and Health Administration

range of trade liberalization initiatives. Read more »

Harley-Davidson Eyeing Offshore Move To Skirt EU Tariffs

Motorcycle giant Harley-Davidson said Monday that it is considering moving some of its production out of the U.S. in order to elude steep tariffs on its products that the European Union has imposed in retaliation for the Trump administration's sweeping steel and aluminum duties. Read more »

TAX

Supreme Court Will Hear Narrowed W.Va. Tax Retirees Case

The U.S. Supreme Court on Monday agreed to hear a limited question on West Virginia's tax treatment of a federal U.S. marshal's retirement benefits, a case that could clarify how the doctrine of intergovernmental tax immunity applies to narrow state employee tax exemptions. Read more »

Mass. Approves 'Grand Bargain' Bill With Sales Tax Holiday

The Massachusetts Legislature has agreed to a compromise bill known as a "grand bargain," establishing a permanent yearly sales tax holiday, increasing the state's minimum wage to \$15 an hour by 2023 and extending paid medical and family leave. Read more »

NJ Gov. Pokes Holes In Legislature's Revenue Projections

New Jersey Gov. Phil Murphy on Monday afternoon pushed back on the Legislature's own \$36.5 billion budget passed last week, arguing he will veto the plan because its projected revenues and savings lacked long-term sustainability but giving little indication of progress to head off a possible government shutdown. Read more »

New Jersey Department of Transportation
New Jersey Legislature
Northern Arapaho Tribe
Office of Foreign Assets Control
Ohio Supreme Court
Omaha Tribe of Nebraska
Securities and Exchange Commission
Social Security Administration
Texas Legislature
U.S. Army
U.S. Attorney's Office
U.S. Customs and Border Protection
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Senate
U.S. Supreme Court
United States District Court for the Eastern District of Pennsylvania
World Trade Organization
Wyoming Attorney General's Office

NJ Senate Sends Payroll Tax Bill For Jersey City To Gov.

The New Jersey Senate sent the governor a bill Monday that would allow Jersey City to impose a payroll tax to pay for school districts despite industrial groups' complaints that such taxes make municipalities less friendly to businesses. [Read more »](#)

Analysis

Tax Guidance Maintains Sunny Outlook For Solar Developers

Solar developers got some good news last week when the Internal Revenue Service issued guidance ensuring they will enjoy the same level of federal tax credit eligibility as wind power developers, which experts say means the government will shoulder some of the elevated costs of solar projects caused by Trump administration tariffs. [Read more »](#)

IMMIGRATION

Border Patrol Won't Send Crossers With Kids To Prosecutors

U.S. Customs and Border Protection has stopped referring people who've crossed the Mexican border with children to prosecutors in a move the agency characterized Monday as a necessary step to implement President Donald Trump's executive order barring splitting up migrant families. [Read more »](#)

Ariz. Barred From Denying Licenses To Certain Immigrants

Arizona's policy of denying driver's licenses to certain immigrants who've been granted deferred action on their legal status by the federal government has been deemed unconstitutional and blocked by a federal judge. [Read more »](#)

Trump Draws Ire For Demanding Deportation Without Courts

The White House press secretary defended President Donald Trump's tweets suggesting

that unauthorized border crossers should be deported without judicial proceedings despite widespread condemnation from the legal community, saying Monday that immigrants who do not have hearing before a judge still retain due process rights. [Read more »](#)

NATIVE AMERICAN

High Court Won't Hear Tribes' Appeal Of Reservation Ruling

The U.S. Supreme Court on Monday declined to hear the Eastern Shoshone and Northern Arapaho tribes' challenges to a Tenth Circuit ruling that the tribes' shared Wyoming reservation was shrunk by a 1905 law. [Read more »](#)

TELECOMMUNICATIONS

FCC Raises Telemedicine Program Cap To \$571M

The Federal Communications Commission voted Monday to raise the cap on its rural health care program to \$571 million, in a move hailed as helping underserved areas gain access to modern medical services through technology. [Read more »](#)

FCC Must Even Cable, IPTV And Satellite Fees, Groups Say

The Federal Communications Commission should hike regulatory fees assessed on DirecTV and DISH Network to align them with burdens already shouldered by cable and internet-protocol-based TV programmers, industry groups recently argued. [Read more »](#)

WHITE COLLAR

Allentown Mayor's Promise To Atty Not Bribery, Judge Told

Evidence of a general promise of future city legal work in exchange for campaign contributions to the now-convicted former mayor of Allentown, Pennsylvania, was not

enough to convict ex-Norris McLaughlin & Marcus PA partner Scott Allinson for bribery, a federal judge heard Monday. [Read more »](#)

EXPERT ANALYSIS

Series

From Lawmaker To Lawyer: 6 Things I Learned In Congress

I found that senior members of Congress didn't have time to mentor younger members. Lawyers — though just as busy as members of Congress — cannot afford to follow this model, says former Rep. Charles Gonzalez, D-Texas, of Ogletree Deakins Nash Smoak & Stewart PC. [Read more »](#)

Lucia Leaves Many Important Questions Unanswered

Predicting the impact of the U.S. Supreme Court's decision in Lucia is far from simple. Litigants cannot be sure how the U.S. Securities and Exchange Commission will handle pending matters, and the SEC cannot be sure how administrative law judges should be appointed in the future to avoid additional judicial scrutiny, say attorneys with Morrison & Foerster LLP. [Read more »](#)

FLSA At 80: It's More Important Than Ever

Today, wages are stagnating while CEO and executive pay continue to skyrocket, many workers in low-wage industries struggle to bring home minimum wage due to weakly enforced wage theft laws, and some employers are finding more ways to outsource work and evade responsibility for their workers. We need the Fair Labor Standards Act more than ever, says Catherine Ruckelshaus, general counsel at the National Employment Law Project. [Read more »](#)

Opinion

Asylum Seekers Lose Under AG Sessions' New Restrictions

Attorney General Jeff Sessions recently issued a decision limiting the availability of asylum for women and children who suffer domestic violence in their home country, vacating existing precedent and delivering a blow to victims of domestic violence from countries without institutions to protect them, says Jim Feroli, pro bono coordinator and government liaison at Catholic Charities, Archdiocese of Washington. [Read more »](#)

Will The Robots Who Replace Us Also Pay Income Tax?

Modern information technology, intelligent algorithms and production robots are strongly influencing the working world in the 21st century. This article, by attorneys at CMS Francis Lefebvre, provides an overview of the future labor market as well as the impact of artificial intelligence on labor law and tax issues. [Read more »](#)

BSEE Listened To Industry In Well Control Rule Revisions

The U.S. Bureau of Safety and Environmental Enforcement issued its 2016 well control rule in the wake of the Deepwater Horizon disaster. The revisions it proposed last month respond to complaints that the rule failed to account for best available, economically feasible safety technologies, and set out requirements that were neutral in benefit but rendered some wells uneconomical, say attorneys with King & Spalding LLP. [Read more »](#)

Venezuela Sanctions Complicate Compliance For Cos.

New sanctions issued by President Donald Trump last month prohibit transactions involving the purchase of any debt owed to the Venezuela government. The challenge for firms that buy and sell securities is that the interest of a sanctioned party in any given security or transaction may not be readily apparent, say attorneys with Schulte Roth & Zabel LLP. [Read more »](#)

LEGAL INDUSTRY

Susman Godfrey Outranks Cravath With Higher Associate Pay

Susman Godfrey LLP has topped the associate compensation scale put forth two weeks ago by Cravath Swaine & Moore LLP by offering an additional \$5,000 for each class of attorneys, the Texas-based law firm said Monday. [Read more »](#)

Chicago Landlord Says Defunct Sedgwick Law Firm In Default

The owner of the building that housed Sedgwick LLP's Chicago office asked a California state court for an entry of default against the now-defunct law firm and its partners Friday, a request that came almost three months after the landlord filed a suit alleging breach of contract and seeking more than \$450,000 in damages. [Read more »](#)

Big Legal Malpractice Claim Payouts Up As Volume Stays Flat

The number of allegations of blown cases and bad legal advice last year appeared steady even as the number of mega-sized malpractice bills continued to grow, according to insurer data released Monday. [Read more »](#)

Justices Decline Recusal Question On Judge's Alleged Tweets

The U.S. Supreme Court on Monday declined to hear a bid by Sierra Pacific Industries Inc. to overturn a Ninth Circuit decision upholding a \$55 million California wildfire settlement and acreage transfer in a case where a federal judge's allegedly improper tweets were also at issue. [Read more »](#)

Interview

15 Minutes With Kimpton Hotels' General Counsel

Throughout her law career, Melinda Stier has had two stints at Kimpton Hotels & Restaurants, a path she refers to as a

"boomerang." From 2004 until 2007, she worked as vice president and assistant general counsel, and now she is at the top of the legal rung. Here, Stier shares ways the hotel industry is adapting to changes in technology and the most important skills for a general counsel that she didn't learn in law school. [Read more »](#)

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From: Public Policy Law360
Sent: Friday, June 29, 2018 5:13 AM
To: Rep48
Subject: Roberts Becomes True Power As 'Kennedy Court' Ends



Friday, June 29, 2018



KENNEDY RETIRES

Analysis

Roberts Becomes True Power As 'Kennedy Court' Ends

The retirement of Justice Anthony Kennedy means that Chief Justice John Roberts is now the U.S. Supreme Court's most important member not just in title but also in reality, empowering him to advance a muscular conservative agenda and perhaps broker deals with outgunned liberals. [Read more »](#)

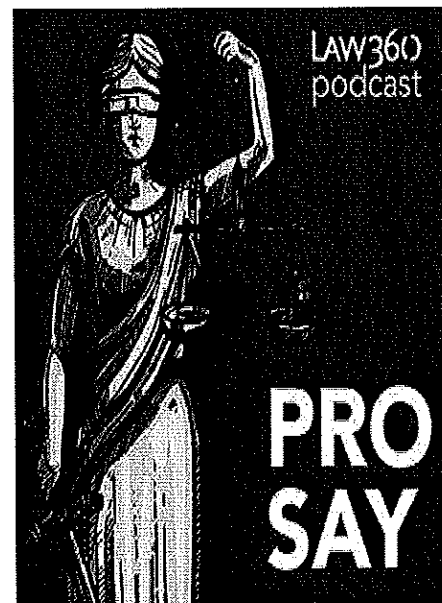
Delay On Kennedy Replacement 'Ain't Going To Happen': GOP

High-ranking Republicans on the Senate Judiciary Committee stood firm Thursday on keeping Majority Leader Mitch McConnell's promise to vote this fall on a replacement for retiring U.S. Supreme Court Justice Anthony Kennedy, with one saying Democrats' calls to wait until after the November midterms "ain't going to happen." [Read more »](#)

Analysis

Why The Defense Bar Celebrates Kennedy

Associate Justice Anthony Kennedy spent his three decades on the high court making a name for himself as a champion of individual freedoms, but he also authored the majority opinion in *Ashcroft v. Iqbal* that changed



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LAW FIRMS

Abrams Fensterman
Ahmad Zavitsanos
Akerman
Allen & Overy
Altshuler Berzon
Anthony Kennedy PC
Arnold & Porter
Baker McKenzie

corporate litigation so much, it is cited in nearly every dismissal bid and has become the bane of the plaintiffs bar. [Read more »](#)

Analysis

Post-Kennedy Court Likely To Take Narrow View Of Title VII

A circuit split on whether Title VII's ban on workplace sex discrimination includes bias based on sexual orientation had civil rights advocates hoping the U.S. Supreme Court would eventually declare that federal law protects gay workers, but Justice Anthony Kennedy's retirement means that's a long shot, experts say. [Read more »](#)

Analysis

Kennedy's Exit Puts Climate Change Regulations On Thin Ice

The retirement of U.S. Supreme Court Justice Anthony Kennedy throws the future of federal climate change action into doubt, as experts say a more conservative high court could not only undo or neuter its landmark decision that greenhouse gases are pollutants, but also scuttle legal challenges of governmental decisions to regulate climate change and other environmental hazards. [Read more »](#)

Analysis

Kennedy Known For Careful Scrutiny Of Statutory Language

Retiring Supreme Court Justice Anthony Kennedy is known — and will be missed — for his meticulous scrutiny of the language of the law, a characteristic that can be found in abundance in a 2008 majority opinion written by Kennedy that placed limits on who could be held liable in securities fraud class action cases, legal experts said Thursday. [Read more »](#)

TOP NEWS

Analysis

Presidential Power Key In Masterpiece, Travel Ban Divergence

Ballard Spahr
Bilzin Sumberg
Blank Rome
Brown Rudnick
Bryan Cave
Buchanan Ingersoll
Buckley Sandler
Cadwalader Wickersham
Carlton Fields
Clark Hill
Cleary Gottlieb
Clyde & Co
Cooley
Cotchett Pitre
Covington & Burling
Cozen O'Connor
Cravath Swaine
Crowell & Moring
Davis Wright Tremaine
Dentons
Dorsey & Whitney
Earthjustice
Eckert Seamans
Eversheds Sutherland
Faegre Baker
Fenwick & West
Fisch Sigler
Fish & Richardson
Foley & Lardner
Foley Hoag
Fried Frank
Gibson Dunn
Greenberg Traurig
Haller & Colvin
Haynes and Boone
Hochman Salkin
Hogan Lovells
Hueston Hennigan

Cases at the U.S. Supreme Court this term over President Donald Trump's travel ban and a baker's refusal to make a wedding cake for a gay couple involved strikingly similar claims related to religious-based animus, but ultimately diverged because the justices chose not to second-guess the president's motives, constitutional scholars said. [Read more »](#)

Analysis

Nixing Trump's Favorite Trade Weapon Looks Like Long Shot

A new challenge to the expansive Cold War-era law President Donald Trump has used to slap tariffs on steel and aluminum imports will face a steep uphill climb, legal experts say, as the case will have to overcome nearly a century's worth of precedent on the constitutional separation of powers. [Read more »](#)

Senate Panel Punts On 3rd, 11th Circ. Picks Over Tariffs

The Senate Judiciary Committee advanced several district court picks on Thursday, even as Sen. Jeff Flake, R-Ariz., has continued to stonewall advancing nominees for the Third and Eleventh circuits until the chamber votes on a tariff measure. [Read more »](#)

Senate Passes Farm Bill, Sets Up Clash With House

The U.S. Senate passed a five-year overhaul and reauthorization of farm subsidy and nutrition support programs Thursday, setting up a clash with the House over work requirements for the food stamp program. [Read more »](#)

BANKING & SECURITIES

Deutsche Bank Unit Comes Up Short In Fed Stress Tests

The Federal Reserve Board said Thursday that Deutsche Bank Trust Corp.'s U.S. subsidiary has flunked the latest round of annual stress

Hughes Hubbard
Hunton Andrews Kurth
Jackson Lewis
Jenner & Block
Kasowitz Benson
Katten Muchin
Kelley Drye
Kellogg Hansen
Kelly Hart
King & Spalding
Kirkland & Ellis
Kramer Levin
Latham & Watkins
Littler Mendelson
Lowenstein Sandler
Manatt Phelps
Mayer Brown
McDermott Will
Milbank Tweed
Miller Canfield
Morgan Lewis
Morris Manning
Morrison & Foerster
Munger Tolles
Patterson Belknap
Paul Hastings
Paul Weiss
Perkins Coie
Polsinelli
Quinn Emanuel
Reed Smith
Robins Kaplan
Rosette LLP
Sanford Heisler
Scali Rasmussen
Sedgwick LLP
Seyfarth Shaw
Sidley Austin

testing over "material weaknesses" in its capital planning practices, while The Goldman Sachs Group Inc. and Morgan Stanley will have to keep buybacks and dividends steady because of side effects from last year's tax legislation. [Read more »](#)

ENERGY & ENVIRONMENTAL

FERC Commissioner Powelson To Step Down In August

Federal Energy Regulatory Commissioner Robert Powelson said Thursday he will step down in August, creating an even partisan split at the commission as it tackles weighty issues such as a pipeline policy revision and a potential U.S. Department of Energy bailout of coal and nuclear power plants. [Read more »](#)

Agencies Fight Tribes' Bid To Force Higher Lake Water Levels

Several federal agencies on Wednesday urged a California federal judge to reject the Klamath Tribes' request to immediately make the government maintain certain water levels in the Upper Klamath Lake for the protection of two fish species, arguing that the tribes are unlikely to win the case. [Read more »](#)

NJ Town Joins Growing Resistance To Plastic Bags

Jersey City, New Jersey, enacted an environmentally friendly ordinance Thursday banning merchants from using carryout bags made of plastic, following the lead of other Garden State towns that have identical laws in place and state lawmakers who want to curb the use of nonrecyclable takeout containers. [Read more »](#)

IP & TECHNOLOGY

Senate Panel Advances Bill To Overhaul Music Licensing

The Senate Judiciary Committee moved forward Thursday with a bill that would

Sills Cummis
Simpson Thacher
Skadden
Somach Simmons
Stroock & Stroock
Thompson & Knight
Vinson & Elkins
Weil Gotshal
Wiley Rein
Williams & Connolly
Willkie Farr
WilmerHale

COMPANIES

AT&T Inc.
Airbnb Inc.
Amazon.com Inc.
American Cable Association
American Civil Liberties Union
American Electric Power Co. Inc.
American Express Company
American Federation of
Government Employees
American Federation of Labor and
Congress of Industrial
Organizations
American Federation of State,
County and Municipal Employees
American Federation of Teachers
Ansell Limited
Apple Inc.
Business Roundtable
Charter Communications Inc.
Chevron Corp.
Comcast Corporation
Concho Resources Inc.
Deutsche Bank AG
Dominion Energy Inc.
EQT Corp.
Facebook

overhaul how Spotify and other online music services pay royalties, as well as how license holders for pre-1972 hits are compensated. [Read more »](#)

MEDIA & ENTERTAINMENT

Pa. Casinos Threaten To Sue Over Slot-Style Lottery Games

The operators of Pennsylvania's casinos are threatening a lawsuit over new online lottery offerings from the state that they say violate recently adopted gambling laws by improperly replicating casino-style games. [Read more »](#)

REAL ESTATE

NJ City Accused Of Anti-Trump Bias In Kushner Project Fight

Jersey City has been slammed with a New Jersey federal lawsuit alleging municipal officials have attempted to drive out the real estate development firm owned by the family of White House senior adviser Jared Kushner as a partner in a redevelopment project because of the mayor's "political animus" toward Republican President Donald Trump. [Read more »](#)

EMPLOYMENT

4 Post-Janus Developments You Need To Know

Although the ink is barely dry on the U.S. Supreme Court's landmark Janus decision barring public-sector unions from collecting so-called fair share fees from workers, the ruling has spurred quick actions to handle the fallout, including from congressional Democrats, nearly two dozen mayors and a right-to-work nonprofit. Here, Law360 looks at four post-Janus developments to keep tabs on. [Read more »](#)

NJ Agency Must Turn Over Complaints In Racial Bias Suit

First Interstate BancSystem Inc.
First Reserve Corp.
Goldman Sachs Group Inc.
Google Inc.
Honeywell International Inc.
Huawei Technologies
International Association of Privacy Professionals
JPMorgan Chase & Co.
Kaspersky Lab Ltd.
KeyCorp
Lambda Legal Defense & Educational Fund
Lawyers' Committee for Civil Rights Under Law
Lyft Inc.
M&T Bank Corporation
Microsoft Corporation
Moblilitie LLC
Morgan Stanley
NBCUniversal Inc.
National Education Association
National Right to Work Legal Defense Foundation
New York Times Co.
Oculus VR LLC
Public Knowledge
Sabine Oil & Gas Corp.
Schlumberger Limited
Service Employees International Union
Sierra Club
Sinclair Broadcast Group, Inc.
Spectrum Management Holding Co.
Spotify Technology SA
State Street Corp.
Stoneridge, Inc.
Theranos Inc.

A New Jersey appeals court on Wednesday ordered two state agencies to turn over bias complaints in a racial discrimination suit against the agencies, ruling that the state's concerns about the privacy of employees who made those complaints were unfounded. [Read more »](#)

Mass. Gov. Signs Family Leave, Minimum Wage Bill

Republican Massachusetts Gov. Charlie Baker on Thursday signed legislation that will gradually raise the state's minimum wage, implement a family and medical leave policy and make a sales tax holiday permanent, according to his office. [Read more »](#)

COMPETITION

FCC Urged To Halt Sinclair-Tribune Deal Over Rules Review

Nonprofit groups Public Knowledge and Common Cause on Thursday told the Federal Communications Commission to wait before deciding if Sinclair Broadcast Group Inc. can merge with Tribune Media Co. until after the D.C. Circuit has looked at whether the agency's viewership discounts under its UHF rule are lawful. [Read more »](#)

CYBERSECURITY & PRIVACY

DC Circ. Expects Quick Response To Kaspersky's Stay Bid

The D.C. Circuit on Thursday gave the federal government a little more than a week to respond to an emergency request to stay a planned ban on federal contracts for Kaspersky Lab, after the company argued the government had moved up the effective date of the ban. [Read more »](#)

Calif. Enacts Internet Privacy Law, Erasing Ballot Effort

California Gov. Jerry Brown on Thursday signed a landmark privacy bill that will give

Tribune Media Co.
Twitter Inc.
Verizon Communications Inc.
Wells Fargo & Co.
ZTE Corp.

GOVERNMENT AGENCIES

Bureau of Reclamation
California Secretary of State
Confederated Tribes and Bands of the Yakama Nation
Congressional Budget Office
Department of Commerce
European Commission
European Union
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Labor Relations Authority
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Florida Department of Environmental Protection
Georgia Attorney General's Office
Internal Revenue Service
International Trade Administration
International Trade Commission
Klamath Tribes
Massachusetts Legislature
NATO
National Marine Fisheries Service
New Jersey Attorney General's Office
Port Authority of New York & New Jersey

consumers the ability to control how online companies use and share their personal information and to request its deletion, prompting the backers of a similar but potentially more stringent privacy initiative set to appear on the November election ballot to withdraw their proposal. [Read more »](#)

AEROSPACE & DEFENSE

House Passes \$675B Defense Spending Bill

The U.S. House of Representatives on Thursday easily passed its nearly \$675 billion bill funding the U.S. Department of Defense for 2019, while rejecting a proposal to add more funding for attack submarines, as a Senate panel approved its own version of the bill. [Read more »](#)

INTERNATIONAL TRADE

Commerce Hands Down Early Tariffs On Asian Pipe Imports

The U.S. Department of Commerce moved to slap tariffs on imports of large-diameter welded pipes from several Asian countries, determining that producers from India, South Korea, China and Turkey had been unfairly subsidized by their respective governments. [Read more »](#)

TAX

IRS Commissioner Nominee Queried On Pass-Through Deduction

Charles Rettig, nominee for Internal Revenue Service commissioner, was questioned Thursday by a member of the Senate Finance Committee about the 20 percent deduction for certain pass-through income included in last year's federal tax overhaul legislation. [Read more »](#)

Calif. Gov. OKs Soda Tax Ban, Citing Beverage Biz Threat

Securities and Exchange Commission

Texas Department of Parks and Wildlife

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

California Gov. Jerry Brown on Thursday signed a measure that blocks cities and counties from enacting taxes on soda and other sugar-filled drinks through 2030, citing the threat of a beverage industry ballot measure that went away with the swipe of his pen. [Read more »](#)

IMMIGRATION

Senate OKs Bill To Grant New Zealanders Access To E Visas

The U.S. Senate on Thursday unanimously passed a bill that would add New Zealand to the list of countries participating in the E visa program, which allows nationals of certain foreign countries to temporarily reside in the U.S. to conduct trade and investment operations. [Read more »](#)

Feds Ordered To Halt Release Policy For NY Detained Minors

A New York federal court on Wednesday ordered the federal government to pause its policy requiring the head of an immigration agency to personally review and sign off on the release of detained minors who have been held in a more restrictive setting, certifying a class of children held in the state. [Read more »](#)

Trump's Remarks Did Not 'Taint' DACA Rollback, 9th Circ. Told

The Trump administration on Thursday urged the Ninth Circuit to find that, under the U.S. Supreme Court's travel ban ruling earlier this week, President Donald Trump's derogatory statements on the campaign trail regarding Mexicans similarly "did not taint" the administration's plan to end the Deferred Action for Childhood Arrivals program. [Read more »](#)

Pro Bono Spotlight

BigLaw Jumps Into Immigration Fray

In response to the administration's zero-tolerance and family separation policies,

BigLaw firms across the country are partnering with each other and a constellation of nonprofits to provide pro bono legal aid to parents and children seeking to be reunited and be granted asylum. [Read more »](#)

NATIVE AMERICAN

Law Enforcement Can't Stop Wash. Tribe's Fireworks Sales

A Washington federal court on Thursday granted a request by the Confederated Tribes and Bands of the Yakama Nation for immediate relief to prevent law enforcement from halting their members from selling fireworks sanctioned by tribal permit or confiscating the merchandise. [Read more »](#)

TELECOMMUNICATIONS

FCC's O'Rielly Says Admin Hearings Wrongly Kill Mergers

The Federal Communications Commission's administrative law judge system is one of the easiest ways to strangle a proposed media merger, Commissioner Michael O'Rielly suggested Thursday, saying in a speech that the agency's in-house review process should be scrapped. [Read more »](#)

Municipal Broadband May Present Free Speech Concerns

While municipally operated broadband networks may be an attractive option after the recent net neutrality rule deregulation, an expert warned Thursday that government-run networks can raise free speech concerns. [Read more »](#)

Rosenworcel Offers San Jose Small Cell Deals As 5G Model

Federal Communications Commissioner Jessica Rosenworcel is promoting contracts approved by the city of San Jose, California, for the deployment of 5G next generation broadband as a solution to

conflicts between carriers' need for access to utility poles with local governments' demand to control the terms of telecom attachments.

[Read more »](#)

Microsoft Urges Limited 'White Spaces' Spectrum Program

Microsoft Corp. has urged the Federal Communications Commission to preserve the status quo on its "white spaces" project, a plan to repurpose gaps between channels to power Wi-Fi-like signals in rural areas, which has proven to be controversial with groups that have complained the tech giant never participated in auctions and therefore isn't entitled to spectrum. [Read more »](#)

EXPERT ANALYSIS

Series

From Lawmaker To Lawyer: Prioritizing Is Always Key

Today, members of Congress often seem able to blame colleagues of the other party for not getting anything done for their constituents. In law practice, you can't really blame a bad result for your clients on the lawyers on the other side, says former Sen. Joe Lieberman, D-Conn., of Kasowitz Benson Torres LLP. [Read more »](#)

The E-Sign Act: 18 Years And All Grown Up

As the Electronic Signatures in Global and National Commerce Act — signed by President Bill Clinton on June 30, 2000 — reaches the age of maturity after being tested in the courts, and as more employers adopt or broaden their use of electronic signatures, now is a good time to review the basic requirements and lessons learned from the developing case law, says August Heckman of Morgan Lewis & Bockius LLP. [Read more »](#)

Trump V. Hawaii Left To The 'Moral Judgments Of History'

In *Trump v. Hawaii*, the U.S. Supreme Court recently found that Congress “delegated” to the president the “*plenary*” power to suspend the entry of any noncitizens whose admission he found “detrimental” to American interests. The crux of the majority’s decision: No fig leaves here, says Joseph Tartakovsky, the James Wilson fellow in constitutional law at the Claremont Institute. [Read more »](#)

After Janus, Employers Should Proceed With Caution

The long-awaited decision in *Janus v. AFSCME* was the second within a month in which the U.S. Supreme Court ruled against unions, putting employers in a strong position at the bargaining table. But if employers appear too eager to exploit the moment, they risk facing a backlash, say Jack Schaedel and Christian Scali of Scali Rasmussen. [Read more »](#)

What You Should Know About The 24/7 Cybercrime Network

The CLOUD Act raises the possibility of agreements between the U.S. and EU on law enforcement access to digital evidence, and the EU’s proposed “e-evidence” regulation would streamline law enforcement access to data among its 28 member states. These two actions will greatly change the way that the G7’s 24/7 Cybercrime Network operates, says Chris Ott of Davis Wright Tremaine LLP. [Read more »](#)

IRS Delivers Double Whammy To Owners Of Escheated IRAs

Custodians of individual retirement accounts that escheat to the state will soon be required by the IRS to withhold 10 percent for federal income tax and report the escheatment as a taxable distribution to the owner. It is unclear whether the new rules provide any relief from the taxes and penalties these IRA owners may

face, says Daniel Morgan of Blank Rome LLP.
[Read more »](#)

LEGAL INDUSTRY

Paul Hastings, Cadwalader Move On Associate Pay Raises

Cadwalader Wickersham & Taft LLP, Paul Hastings LLP and Thompson & Knight LLP were among the firms that said they would be joining the trend of hiking salaries and offering mid-year bonuses for associates, according to internal memos made public on Thursday.
[Read more »](#)

Sedgwick Faces New, \$23M Landlord Suit Over NY Lease

The owner of the building that housed Sedgwick LLP's New York financial district office said the now-defunct law firm missed a payment related to the early termination of its lease and, as a result of the breach of contract, owes \$23 million, according to a suit filed in state court just days after the landlords of its Chicago office made similar claims. [Read more »](#)

Foley Hoag Extends 18-Week Leave Policy To All Parents

Foley Hoag LLP has announced that it is implementing a new parental leave policy that offers up to 18 weeks off in the 12 months after the birth or adoption of a child for all parents, regardless of whether they are the primary caregiver or not. [Read more »](#)

V&E Attys Hurt In Boat Crash, Partner Pilot Faces Questions

A Vinson & Elkins LLP partner was hit with an arrest warrant earlier this month over his alleged role piloting a boat that crashed in Travis County, Texas, injuring three of his fellow partners, according to documents filed in state court, though the warrant has reportedly since been rescinded. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Williams & Connolly LLP partner Kannon Shanmugam landed on the legal lions list after the U.S. Supreme Court granted review on three of his cases during the past week, while attorneys at Haynes and Boone and Skadden ended up legal lambs after a judge slashed client ZeniMax's \$500 million intellectual property verdict in half. [Read more »](#)

JOBS

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New York, New York

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From: Public Policy Law360
Sent: Friday, July 6, 2018 4:55 AM
To: Rep48
Subject: Trump Says Supreme Court Shortlist Down To 4 Names



Friday, July 6, 2018



TOP NEWS

Trump Says Supreme Court Shortlist Down To 4 Names

President Donald Trump has whittled his shortlist of replacements for retiring U.S. Supreme Court Justice Anthony Kennedy to four and aims to arrive at his final choice while at his New Jersey golf club this weekend, he told reporters Thursday. [Read more »](#)

Feature

High Court Nomination Watch: 6th Circ.'s Joan Larsen

Sixth Circuit judge and Supreme Court contender Joan Larsen is well regarded in legal circles, but with only a few years of experience on the bench, her overall judicial philosophy is still coming into view. [Read more »](#)

Enviros Vow To Fight New EPA Chief After Pruitt Resignation

U.S. Environmental Protection Agency Administrator Scott Pruitt on Thursday resigned after being accused of a long string of ethical scandals, but environmental groups said their focus will remain on fighting the Trump administration's deregulatory agenda, regardless of who's in charge. [Read more »](#)

Feature



[Listen to our new podcast here](#)

LAW FIRMS

Allen & Overy
Ball Ball
Bartlit Beck
Boies Schiller
Carlton Fields
Clark Hill
Cravath Swaine
Drinker Biddle

Top Immigration Cases Of 2018: Midyear Report

In the first half of 2018, U.S. Attorney General Jeff Sessions overturned several Board of Immigration Appeals rulings and federal courts grappled with the constitutionality of sanctuary policies, driver's licenses for immigrants in Arizona, and neglected children who have been given relief from deportation. After recapping the U.S. Supreme Court term on Monday, Law360 now looks back at the biggest immigration rulings of the year so far at the BIA and federal courts. [Read more »](#)

EU Parliament Calls For Data Deal's End Unless US Complies

The European Parliament on Thursday called for the EU-US Privacy Shield data transfer deal to be suspended unless the United States is "fully compliant" with the mechanism by September, echoing privacy concerns raised by the body's civil liberties committee last month. [Read more »](#)

ENERGY & ENVIRONMENTAL

EPA Sends 2015 Ozone Rule To White House For Review

The U.S. Environmental Protection Agency on Tuesday sent a final rule that will guide states on how to implement 2015 ozone standards to the White House for review. [Read more »](#)

EPA Will Enforce Conflict Rules At 3 State Air Boards

A D.C. federal judge on Thursday ordered the U.S. Environmental Protection Agency to enforce conflict-of-interest standards for air pollution officials in Mississippi, Alabama and Illinois that are required under the Clean Air Act after the EPA agreed to meet the demands of environmental groups that had sued the agency. [Read more »](#)

FERC's Market Worries Doom Nuke Plant Subsidies, Foes Say

Drummond Woodsum
Epstein Becker Green
Faegre Baker
Foley & Lardner
Gibson Dunn
Girard Gibbs
Grant & Eisenhofer
Hillis Clark
Huang Ybarra
Jenner & Block
Jones Day
Kanji & Katzen
Katten Muchin
Keker Van Nest & Peters
Kelly Remmel
Kirkland & Ellis
Latham & Watkins
Law Offices of Alan S. Futerfas
Linklaters
Massey & Gail
McCarter & English
McDermott Will
Milbank Tweed
Morris Nichols
Morrison & Foerster
Munger Tolles
Norton Rose Fulbright
O'Melveny & Myers
O'Neill & Borges
Orrick Herrington
Paul Hastings
Pillsbury Winthrop
Proskauer Rose
Quinn Emanuel
Rosette LLP
Schiller
Seyfarth Shaw
Sidley Austin

The Federal Energy Regulatory Commission's recent order that PJM Interconnection revise its electricity market rules to blunt the impact of state clean energy policies supports arguments that the Seventh and Second Circuits must invalidate nuclear plant subsidies offered by Illinois and New York, challengers of the subsidies say. [Read more »](#)

IP & TECHNOLOGY

EU Lawmakers Reject Controversial Copyright Proposal

The European Union on Thursday voted against a copyright bill that would have made tech companies such as Google and Facebook pay a "link tax" on copyrightable material on their websites, sending the bill back to lawmakers for retooling. [Read more »](#)

CYBERSECURITY & PRIVACY

Calif. Privacy Law To Hit Over 500K Companies: Report

More than half a million U.S. companies could be affected by California's new privacy law, many of them small- to medium-sized business, according to a report by the International Association of Privacy Professionals. [Read more »](#)

Artificial Intelligence Policy Needs Public Input, Gov't Told

The Electronic Privacy Information Center and several leading scientific organizations and scholars are urging the White House to solicit public comments on the development of the nation's first artificial intelligence policy, arguing that the closed policymaking process has ignored critical privacy, accountability and fairness issues. [Read more »](#)

AEROSPACE & DEFENSE

2nd Circ. Says Drone Strike FOIA Ruling Reveals Too Much

Simpson Thacher
Skadden
Somach Simmons
Spears & Imes
Spiegel & McDiarmid
Van Osdol
Wachtell Lipton
Young Conaway

COMPANIES

AT&T Inc.
AbbVie Inc.
Amazon.com Inc.
American Cable Association
American Civil Liberties Union
Association of Corporate Counsel
BB&T Corporation
Center for Biological Diversity Inc.
Comcast Corporation
Competitive Enterprise Institute
Dell Technologies Inc.
Electronic Privacy Information Center
Exelon Corporation
Facebook
Fairchild Semiconductor Corporation
Federalist Society
First Gulf Bank PJSC
Ford Motor Co.
General Motors
Google Inc.
HBR Consulting LLC
Immigrant Legal Resource Center
International Association of Privacy Professionals
JPMorgan Chase & Co.
Johnson & Johnson
Lambda Legal Defense & Educational Fund

A New York federal court must keep under wraps certain information about targeted drone strikes abroad, the Second Circuit said Thursday, ruling the district court did not have to decide whether the federal government had officially acknowledged a disputed fact because it had no bearing on the disclosure of documents. [Read more »](#)

FAA Drone Rule Advisers Aim To Ax Privacy Group's Suit

The group that advises the Federal Aviation Administration on how to regulate drones asked a D.C. federal judge Wednesday to toss a privacy watchdog's "baseless" suit, claiming it wasn't as upfront as it should've been with the public and failed to assess the privacy risks of drones. [Read more »](#)

Trump Trans Military Ban Like Segregation, 9th Circ. Told

The Trump administration's policy blocking transgender people from military service "borrows from the same playbook" the government used to segregate the armed forces by race until 1948, the NAACP Legal Defense Fund wrote in one of nine amicus briefs filed this week in a Ninth Circuit appeal of an injunction blocking the ban [Read more »](#)

INTERNATIONAL TRADE

G-20 Trade Barriers Rise As Tensions Near Boiling, WTO Says

Trade barriers among the G-20 nations have doubled over the past six months, the World Trade Organization reported Wednesday, stoking fears that the escalating tariff battle among the world's most powerful governments is taking root across the global economy. [Read more »](#)

TAX

6th Circ. Tosses Claim That IRS Violated Privacy Act

Los Angeles Times
MasterCard Incorporated
Mexican American Legal Defense and Education Fund
Microsoft Corporation
Mitrtech Inc.
Motorola Solutions Inc.
Murray Energy Corp.
NAACP Legal Defense and Educational Fund Inc.
NFL Enterprises LLC
National Bank of Abu Dhabi
National Immigration Law Center
Natural Resources Defense Council
New York Times Co.
Nuclear Energy Institute
PJM Interconnection LLC
Piaggio & C. SpA
PricewaterhouseCoopers
Salesforce.com Inc.
Sierra Club
State Farm
Toyota Motor Corporation
Trump Organization Inc.
Twitter Inc.
Universal Service Administrative Co.
Vantiv Inc.
Wal-Mart Stores Inc.
Walt Disney Parks & Resorts
Worldwide Inc.
Xcel Energy Inc
ZTE Corp.

GOVERNMENT AGENCIES

Alabama Department of Environmental Management
Bureau of Citizenship and Immigration Services

The Sixth Circuit on Thursday threw out a claim that the Internal Revenue Service violated the Financial Right to Privacy Act by issuing two John Doe summonses, finding instead that the doctrine of sovereign immunity protects the agency from such charges. [Read more »](#)

IRS Can't Dodge FOIA Request About Islamic Charity

A D.C. federal judge has rejected the Internal Revenue Service's bid to toss a Freedom of Information Act request for communications about an Islamic charity, saying the IRS must look for the records and present evidence that the information is confidential. [Read more »](#)

Pittsburgh Pushes Court To Keep Amazon HQ2 Bid Secret

Allegheny County, Pennsylvania, and the city of Pittsburgh fought to keep their bid for Amazon's second headquarters secret Thursday, claiming that the 300-page proposal to woo the internet giant contains trade secrets and proprietary information that would harm the region's chances of landing a major investment if it were made public. [Read more »](#)

Okla. Group Quits Challenging Tax Hikes For Teachers' Raises

An Oklahoma taxpayer group has announced it will not pursue a second petition challenging new tax increases for teachers' pay raises, saying that the state Supreme Court's rejection of its first effort would force it to start over. [Read more »](#)

BANKRUPTCY

Puerto Rico Gov. Challenges Fed Board's Legal Authority

Puerto Rico Gov. Ricardo Rosselló filed suit Thursday in the island's bankruptcy-like cases to challenge a federal board's authority to impose budget cuts and austerity measures in long-term fiscal plans for the commonwealth,

Bureau of Indian Affairs
Bureau of Reclamation
California Attorney General's Office
California Supreme Court
Department of Commerce
European Commission
European Union
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Judicial Center
Federal Trade Commission
Fish and Wildlife Service
Houlton Band of Maliseet Indians
Internal Revenue Service
International Trade Commission
Klamath Tribes
National Highway Traffic Safety Administration
National Marine Fisheries Service
National Security Agency
National Telecommunications and Information Administration
Office of the U.S. Trade Representative
Oklahoma Supreme Court
San Manuel Band of Mission Indians
Transportation Security Administration
U.S. Attorney's Office
U.S. Customs and Border Protection
U.S. Department of Defense

saying it does not have the power to make local policy decisions. [Read more »](#)

IMMIGRATION

Calif. Sanctuary Laws Mostly Survive DOJ Challenge, For Now

A California federal judge said Wednesday that the Golden State may leave in place several state "sanctuary" statutes in the face of a challenge by the U.S. Department of Justice that they interfere with federal immigration laws, while also halting several provisions in one state labor law. [Read more »](#)

State Dept. Scraps Visa Waiver For Caribbean Farm Workers

The U.S. Department of State will require certain Caribbean residents, including European citizens, to get a visa to travel to the U.S. as temporary agricultural workers, stating that an earlier rule exempting those residents from the visa requirement had "created a vulnerability" in the U.S. immigration system, according to a rule filed Thursday. [Read more »](#)

DHS To Extend Temporary Protected Status For Yemenis

The U.S. Department of Homeland Security announced Thursday that approximately 1,250 Yemenis can stay in the United States for another 18 months due to the Middle Eastern country's ongoing armed conflict, extending the temporary protection status that it has ended for citizens of other countries. [Read more »](#)

Asylum Seekers Likely To Prove US Deterrence Policy: Judge

Three asylum seekers who were repeatedly denied parole hearings are likely to establish that the federal government unlawfully denies parole determinations as a way to deter others from entering the United States, a District of

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of State

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. Immigration and Customs Enforcement

U.S. Supreme Court

United States Court of Appeals for the Third Circuit

World Trade Organization

Columbia federal judge held Tuesday. [Read more »](#)

NATIVE AMERICAN

Tribes Lose Challenge Of Deadline Extension In Water Row

A Maine federal judge has denied a bid from two tribes to reconsider an order granting a briefing schedule deadline extension in the state's lawsuit challenging the U.S. Environmental Protection Agency's tightening of water quality standards for tribal waters. [Read more »](#)

BIA Approves Tribes' Business Leasing Regulations

The Bureau of Indian Affairs has signed off on regulations for two Native American tribes that will allow them to bypass BIA approval of land lease deals for businesses, according to a notice to be published on the Federal Register on Friday. [Read more »](#)

Tribes Seek To Keep ESA Focus In Klamath Water Level Suit

The Klamath Tribes on Thursday urged a California federal judge not to allow intervenors in their Endangered Species Act suit against the federal government to add their reply to filings about the tribes' bid for an injunction that would force the government to maintain water levels the tribes say would be sufficient to protect two species of fish [Read more »](#)

TELECOMMUNICATIONS

FCC Urged Not To Cut Lifeline Funds From Wireless Resellers

The trade group Incompas is lobbying the Federal Communications Commission against steering Lifeline telecommunications services subsidy funds away from wireless resellers and toward phone carriers that have their own network infrastructure, according to an ex parte filing detailing a meeting at which the

organization warned against eliminating "competitive options." [Read more »](#)

Calif. Lawmakers Reach Deal On Net Neutrality Bill

California lawmakers announced Thursday that they have reached a deal to impose at the state level so-called net neutrality consumer protections that were revoked by the Federal Communications Commission in December. [Read more »](#)

Toyota Campaigns For FCC To Save Car Safety Tech

Toyota representatives have been meeting with commissioners of the Federal Communications Commission in a continued push to save a safety technology that would allow its cars to wirelessly communicate with each other about road hazards, according to a letter from the automaker. [Read more »](#)

Group Seeks To Cut 'Burdensome' Rules For Kid's Ad Records

As the Federal Communications Commission considers rolling back rules covering minimum children's broadcast programming requirements, the American Cable Association is lobbying the agency to also ease the "overly burdensome and redundant" obligation for cable operators to submit detailed records of commercials aired during children's programs, according to a recent filing. [Read more »](#)

WHITE COLLAR

With McDermott Reportedly Going, Cohen Hires Ex-Clinton Atty

President Donald Trump's former personal attorney Michael Cohen has hired a prominent Washington lawyer known for working with the Clinton White House to represent him as he faces a federal corruption investigation and reportedly phases out his legal team at McDermott Will & Emery LLP. [Read more »](#)

Manafort Asks DC Circ. To Let Him Out Of Jail Before Trial

Paul Manafort on Thursday asked the D.C. Circuit to be released on bail ahead of his upcoming trials over alleged financial crimes and foreign lobbying charges, saying the lower court failed to consider the weight of the evidence against him when it ordered Manafort locked up. [Read more »](#)

EXPERT ANALYSIS

Epic Systems And The Erosion Of Federal Class Actions

Over the last decade, the U.S. Supreme Court has made it progressively harder for consumers and employees to vindicate their rights through class actions. Although plaintiffs can still bring meritorious class actions in federal court, the recent decision in Epic Systems confirms that plaintiffs should look for creative alternatives in state court, say Amanda Karl and Steven Tindall of Gibbs Law Group LLP. [Read more »](#)

Reading The China Tariff Tea Leaves

With tariffs against some \$250 billion of Chinese goods taking effect Friday, U.S. companies that do business with China are wondering what happens next. While China is the more export-dependent country, it is unlikely to face the sort of industry protests and lobbying aimed at the Trump administration in opposition of the tariffs, says Mark Ludwikowski of Clark Hill PLC. [Read more »](#)

Lax Regulations Make Scooters A Perfect Liability Storm

Scooters and mopeds are all the rage across the country, but these cheap rides can be costly in terms of public safety. It's a perfect storm from a safety and liability standpoint. States and cities must enact laws that protect drivers and pedestrians, including licensing and insurance requirements, says Neema

Rahmani of West Coast Trial Lawyers. [Read more »](#)

LEGAL INDUSTRY

Global 20: Allen & Overy

Allen & Overy LLP attorneys from dozens of international offices collaborated this past year to oversee three of the six largest cross-border mergers and multibillion-dollar bond issuances in China, Saudi Arabia and Nigeria, landing the firm on Law360's Global 20 list. [Read more »](#)

Analysis

The Influential Judges On Trump's Supreme Court Shortlist

Conservative heavyweights fill out President Donald Trump's list of potential Supreme Court nominees to step into Justice Anthony Kennedy's seat. But how do they rate as judges? A new ranking from Ravel Law reveals how much weight they carry among their peers. [Read more »](#)

Feature

High Court Nomination Watch: 3rd Circ.'s Thomas Hardiman

As attention on the U.S. Supreme Court has heated up since the retirement of Justice Anthony Kennedy on June 27, a previous member of President Donald Trump's shortlist for a high court vacancy, Third Circuit Judge Thomas Hardiman, has bubbled to the surface again as a potential nominee. [Read more = 2](#)

Katten Muchin Raises Salaries, But Not For All Associates

Katten Muchin Rosenman LLP announced in an internal memo made public Thursday that it would raise base salaries for some of its U.S. associates in July in accordance with the new market scale, on the condition that they are on track to make their billable hour targets for the year. [Read more »](#)

Feature

Legal Tech Cos. On The Rise As GCs Embrace Automation

Legal technology companies are reaping big benefits as corporate law departments look to free up attorneys to devote more time to complex tasks, and as the role of custom technology and automated processes gain momentum in the legal profession. Here's what in-house lawyers need to know about how this expanding environment is transforming the industry. [Read more ½ B](#)

Del. Chancery Court's 2 New Seats Likely To Be Filled Soon

A planned expansion of Delaware's current five-member Court of Chancery gathered steam Thursday, one week after enactment of a state budget that added two new vice chancellor seats to the nationally prominent, 226-year-old equity court that routinely handles multibillion-dollar disputes. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

This week's legal lions include a team from Quinn Emanuel Urquhart & Sullivan LLP and Paul Hastings LLP that helped get a \$140 million verdict junked, while on the legal lambs list is a former BigLaw attorney who pled guilty to running an unlawful money transfer business. [Read more »](#)

JOB

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From: Public Policy Law360
Sent: Monday, July 9, 2018 5:12 AM
To: Rep48
Subject: What You Need To Know For The Supreme Court Nomination



Monday, July 9, 2018



TOP NEWS

What You Need To Know For The Supreme Court Nomination

President Donald Trump is expected Monday night to name his choice to replace Justice Anthony Kennedy. The nomination will give the president his second chance to name a justice to the high court in less than two years, setting up a high-stakes political battle likely to consume the legal world and the nation in the months to come. [Read more »](#)

Feature

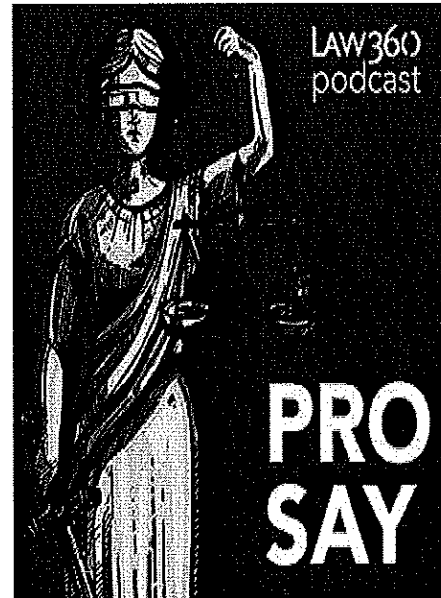
High Court Nomination Watch: 6th Circ.'s Raymond Kethledge

When President Donald Trump announces his replacement for retiring U.S. Supreme Court Justice Anthony Kennedy on Monday, he could look west to Sixth Circuit Judge Raymond Kethledge. [Read more »](#)

Conservatives Split On Kavanaugh For High Court

As President Donald Trump prepares to announce his U.S. Supreme Court nominee, the conservative legal world is divided over whether to support D.C. Circuit Judge Brett Kavanaugh for the spot. [Read more »](#)

Analysis



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LAW FIRMS

Akerman
Allen & Overy
Alston & Bird
Altshuler Berzon
Arnold & Porter
Baker McKenzie
Balch & Bingham
Ballard Spahr

Pruitt's Legacy At The EPA: Big Goals, Mixed Results

Outgoing U.S. Environmental Protection Agency Administrator Scott Pruitt left the post with his deregulation goals far from complete, but experts say he managed to refocus the agency on industry priorities and left a significant administrative mark on it in his 17 scandal-filled months. [Read more »](#)

Feature

DACA To TPS: Biggest Immigration Cases To Watch

Challenges to the Trump administration's immigration policies — including its attempts to separate noncitizen families at the border, end certain programs offering deportation relief and undermine so-called sanctuary policies — have swept federal court dockets in recent months with no sign of slowing down. Here, Law360 looks ahead at the biggest ongoing immigration cases. [Read more »](#)

Feature

Telecom Lobbying In Trump's DC Blurs Access And Expertise

When AT&T public policy executive Bob Quinn sat down to a private dinner with Federal Communications Commission Chairman Ajit Pai last February, the meal at the chic Hotel Neri restaurant in Barcelona had the trappings of a typical meeting between U.S. politicians. [Read more »](#)

Calif. Art Royalties Law Only Applies To 1977 Sales: 9th Circ.

A Ninth Circuit panel ruled Friday that California's Resale Royalties Act, effective since 1977, only applies to art sales conducted prior to the 1978 effective date of the federal Copyright Act, mostly affirming a lower court's dismissal of long-running class action litigation against Christie's Inc., Sotheby's Inc. and eBay Inc. [Read more »](#)

DC Circ. Denies Challenge To FAA Hobbyist Drone Rule

Bracewell
Browne George
Chambliss Bahner
Constantine Cannon
Cooley
Cornerstone Law Group
Covington & Burling
Cravath Swaine
Crowell & Moring
DLA Piper
Davis Wright Tremaine
Earthjustice
Epstein Becker Green
Fenwick & West
Gibson Dunn
Girard Gibbs
Goodwin
Gray Cary
Greenberg Glusker
Greenberg Traurig
Guida Slavich
Gupta Wessler
Hanson Bridgett
Hogan & Vandenberg
Hoguet Newman
Hunton Andrews Kurth
Hyman Phelps
Jeffer Mangels
Jones Day
Kobre & Kim
Lawyers' Committee for Civil Rights
Marzulla Law
McDermott Will
Meyers Nave
Michael Best
Milbank Tweed
Miller Starr

The D.C. Circuit on Friday denied a challenge to an allegedly overreaching Federal Aviation Administration rule regulating hobbyist drones, finding that the regulation was within the agency's statutory authority. [Read more »](#)

BANKING & SECURITIES

Analysis

SEC Moving Toward Sharper Clarity On Crypto Regs, ICOs

Nearly one year since the U.S. Securities and Exchange Commission weighed in on cryptocurrencies and their related funding ventures known as initial coin offerings, attorneys say the regulatory landscape governing this nascent market is getting clearer. [Read more »](#)

CFPB Deputy To Exit, Drop Suit Over Mulvaney Appointment

Deputy Director Leandra English of the Consumer Financial Protection Bureau is leaving the agency and dropping her court challenge to Mick Mulvaney's appointment as acting director, she and her attorney said Friday. [Read more »](#)

Regulators Want CCPs To Oversee Commodity Storage

Derivatives prices will be pushed down if data about storage of the commodity that underlies them is not transparent, a group of global securities regulators has warned, as they proposed that central counterparties should ensure that reserves are robust. [Read more »](#)

ENERGY & ENVIRONMENTAL

DC Circ. Overturns FERC License For Alabama Power Co.

The D.C. Circuit on Friday said the Federal Energy Regulatory Commission's 30-year license for Alabama Power Co's generating facilities to continue operating on the Coosa

Morgan Lewis
Morrison & Foerster
Munger Tolles
Norton Rose Fulbright
Orrick Herrington
Paul Hastings
Reed Smith
Ropes & Gray
Shapiro Arato
Shearman & Sterling
Sidley Austin
Simpson Thacher
Skadden
Stoel Rives
Sullivan & Worcester
Weil Gotshal
Willkie Farr
Yetter Coleman

COMPANIES

AT&T Inc.
AbbVie Inc.
Alabama Power Co.
American Cable Association
American Civil Liberties Union
American Immigration Lawyers Association
Apple Inc.
Archer Daniels Midland Co.
Bank of America Corporation
Christie's International PLC
Coinbase Inc.
Competitive Carriers Association
Consumer Bankers Association
Defenders of Wildlife
Deloitte Touche
Dendreon Corporation
Deutsche Telekom AG
Dominion Energy Inc.

River should be nixed, deciding it was based on environmental assessments that did not properly consider current harm the facilities cause. [Read more »](#)

EPA Must Rethink Kiln Emissions Rules, DC Circ. Says

The D.C. Circuit on Friday denied petitions from industry groups challenging new EPA kiln air emissions standards for brick and clay manufacturers, but mostly sided with environmental groups who argued that the rules didn't go far enough to protect the public from the health risks of air pollution. [Read more »](#)

Enviros Ask 4th Circ. To Halt Atlantic Coast Pipeline

A handful of environmental groups suing to stop the controversial Atlantic Coast Pipeline have asked the Fourth Circuit to temporarily shut down all construction on the project, after the appeals court revoked a key federal permit in May. [Read more »](#)

HEALTH & LIFE SCIENCES

Analysis

Creative Attys Get Anti-Regulation Ammo In High Court Case

The U.S. Supreme Court encouraged wide-ranging challenges to government regulations when it endorsed a theory of free speech to shield anti-abortion centers from disclosing state-funded abortion services, some experts say. [Read more »](#)

FDA Releases Draft Guidance On Drug Indication Labeling

The U.S. Food and Drug Administration released draft guidance Friday outlining its recommendations for how drug companies should word the indications and usage sections on a drug's label, such as specifying

Duke Energy Corporation
Electronic Privacy Information Center
Facebook
Ford Motor Co.
Fosun International Ltd.
Goldman Sachs Group Inc.
Google Inc.
H5
HSBC Holdings PLC
HSN, Inc.
Hobby Lobby Stores
Hubbell Inc.
IMS Health Inc.
Immigrant Legal Resource Center
International Association of Privacy Professionals
Internet Brands, Inc.
KKR Financial Holdings LLC
Kaplan Inc.
Kohler Co.
LegalZoom.com Inc.
Los Angeles Clippers
Lyft Inc.
Mexican American Legal Defense and Education Fund
Microsoft Corporation
NBCUniversal Inc.
National Association of Broadcasters
National Association of Manufacturers
National Collegiate Athletic Association
National Federation of Independent Business
Natural Resources Defense Council
New York State Bar Association
North Carolina State Bar

which age groups are best suited for specific drugs. [Read more »](#)

FDA Can't Compel New Tobacco Co. Warning Labels Yet

Cigar and pipe-tobacco makers received a reprieve Thursday from a looming deadline for the placement of new, larger health warnings on packages and ads when a federal judge, citing a recent Supreme Court decision, halted the U.S. Food and Drug Administration mandate pending appeal of a May ruling. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Trump To Pick Chicago Atty For Surface Transportation Board

President Donald Trump plans to nominate a Chicago attorney to fill the fifth spot on the Surface Transportation Board, the White House said, moving the rail regulator a step closer to hitting a full complement. [Read more »](#)

REAL ESTATE

Feature

Calif. Real Estate Regulations To Watch In 2nd Half Of 2018

A vote in November on the question of what sort of reach California municipalities have in enacting rent control, continued efforts to solve the state's affordable housing crisis and two attempts to fast-track environmental reviews for stadiums are among the developments Golden State real estate lawyers will have their eyes on in the second half of 2018. Here, Law360 looks at four areas of legislation and regulation they will be watching. [Read more »](#)

COMPETITION

La. Real Estate Board Tells 5th Circ. It's Immune From FTC

Oakland Athletics
Overstock.com Inc.
PricewaterhouseCoopers
Public Company Accounting Oversight Board
Public Knowledge
QVC Incorporated
Quill Corp.
Qurate Retail Group
Rosenthal Collins Group LLC
Salesforce.com Inc.
Samsung Electronics Co. Ltd.
Sierra Club
Sinclair Broadcast Group, Inc.
Sompo International Holdings Ltd.
Sotheby's
Southeastern Pennsylvania Transportation Authority
Southern Environmental Law Center
T-Mobile USA Inc.
Temple University
The Southern Company Inc.
Toys "R" Us Inc.
Tribune Media Co.
Twitter Inc.
U.S. Chamber of Commerce
Uber Technologies Inc.
United States Council for International Business
Valeant Pharmaceuticals International
Verizon Communications Inc.
Vornado Realty Trust
Wayfair LLC
Yale University
Zulily Inc.
eBay Inc.

GOVERNMENT AGENCIES

The Louisiana Real Estate Appraisers Board urged the Fifth Circuit on Thursday to toss a Federal Trade Commission administrative trial challenging board regulations that control appraisal fees, arguing that the FTC wrongly denied it immunity as a state agency, or the chance to at least assert that argument at trial. [Read more »](#)

EMPLOYMENT

States, DC Seek Full 9th Circ. Redo Of Uber Union Law Fight

Fourteen states and the District of Columbia asked the full Ninth Circuit to revisit a recent appellate decision reviving the U.S. Chamber of Commerce's challenge to a Seattle ordinance letting app-based, ride-hailing drivers bargain collectively, saying Thursday the ruling intruded on state sovereignty. [Read more »](#)

Restaurant Orgs Sue To Take Down DOL's Tip-Credit Guidance

The Restaurant Law Center and the Texas Restaurant Association filed a lawsuit Friday against the U.S. Department of Labor in Texas federal court challenging Obama-era guidelines related to an employer's ability to reduce the minimum wage given to tipped workers. [Read more »](#)

INTERNATIONAL TRADE

Trump's China Tariffs Take Hold As Biz Groups Sound Alarm

The Trump administration on Friday imposed tariffs on \$34 billion worth of Chinese imports covering technology, medical devices and industrial goods, marking the most aggressive move yet in the White House's trade imbroglio with Beijing and stoking fear within the U.S. business community. [Read more »](#)

USTR Rolls Out Waiver Process For New China Tariffs

Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Bureau of Indian Affairs
Bureau of Labor Statistics
Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Crow Creek Sioux Tribe
Department of Commerce
Equal Employment Opportunity Commission
European Securities and Markets Authority
Executive Office of the President
Federal Aviation Administration
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Judicial Center
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Internal Revenue Service
National Oceanic and Atmospheric Administration
National Park Service
Navajo Nation
New Jersey Legislature
New York State Department of Financial Services
Office of the U.S. Trade Representative
San Francisco Bay Area Rapid Transit District (BART)
Securities and Exchange Commission
South Dakota Legislature
Surface Transportation Board

Soon after the Trump administration finalized tariffs on \$34 billion worth of Chinese goods in an intensifying tussle over intellectual property rules on Friday, the Office of the U.S. Trade Representative unveiled a new process for importers to earn waivers from the new 25 percent levy. [Read more »](#)

BANKRUPTCY

Lawmakers Question PE Firms Over Toys 'R' Us Collapse

More than a dozen members of Congress sent a letter to the private equity backers of Toys 'R' Us Inc., seeking to understand the role they played in the bankruptcy and sudden collapse of the iconic toy chain, while also voicing criticism over the use of leveraged buyouts. [Read more »](#)

IMMIGRATION

DOJ Can't Use DNA Tests To Delay Reuniting Migrant Families

A California federal judge on Friday kept intact the deadlines for the Trump administration to reunite families who have been separated at the U.S.-Mexico border, despite the government's protests that more time was needed to confirm parentage through DNA testing. [Read more »](#)

New USCIS Policy Will Increase Deportation Cases

Immigrants left undocumented after their visa applications are rejected could face removal proceedings immediately upon the denial, under a set of updated guidelines published by the U.S. Citizenship and Immigration Services on Thursday evening. [Read more »](#)

3rd Circ. Says Sex Offender Can't Sponsor Immigrant Wife

The Third Circuit has declined to revive a case brought by a convicted sex offender challenging an immigration law that prevented

Tennessee Department of Revenue

Tennessee Legislature

U.S. Attorney's Office

U.S. Customs and Border Protection

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

United States Court of Appeals for the Third Circuit

Washington Legislature

him from sponsoring his wife for permanent resident status, ruling the law did not violate his right to marriage and the court did not have the authority to override U.S. Department of Homeland Security guidelines around waiving the rule. [Read more »](#)

Advocates Want Texas Suit Challenging DACA Tossed

An immigration advocacy group on Thursday urged a Texas federal court to toss a lawsuit by Texas and seven other states challenging the legality of the federal Deferred Action for Childhood Arrivals program because the states and the federal government agree DACA should be nixed. [Read more »](#)

NATIVE AMERICAN

DOT Awards Funds To Bolster Tribal Transportation Safety

The U.S. Department of Transportation on Thursday announced that it has chosen to award \$17.5 million to help Native American tribes make transportation options on their lands safer, providing financing for dozens of tribes in multiple states. [Read more »](#)

TELECOMMUNICATIONS

FCC Won't Pause Lifeline Restrictions Pending Lawsuits

The Federal Communications Commission said it will not delay the implementation of its restrictions on subsidized phone and internet service in the Lifeline program, despite a pending court challenge brought by a tribe, wireless resellers and others. [Read more »](#)

'Overstated' Verizon Coverage Hurts Rural Carriers, Cos. Say

A coalition of radio frequency engineering firms told the Federal Communications Commission that Verizon has "grossly overstated" its nationwide 4G LTE coverage, hurting the mobile wireless carriers the engineering firms

serve because the carriers can only get needed FCC funding to boost coverage in areas where coverage is low. [Read more »](#)

Alert Tests Could Confuse Real Deal, Trade Group Tells FCC

NCTA – The Internet & Television Association is warning the Federal Communications Commission that one of two ways of transmitting emergency alert tests, which the agency wants to streamline, could inadvertently be confused with actual alerts. [Read more »](#)

Scientists Urge FCC To Guard Galaxy-Exploration Frequencies

The National Academy of Sciences Thursday urged the Federal Communications Commission to take caution as it looks to open up for public safety use spectrum currently used for radio astronomy, saying interference issues could undermine an important tool for exploring the far reaches of the galaxy. [Read more »](#)

WHITE COLLAR

Ex-NY Senate Boss Takes Stand At Retrial, Denies Graft

Former New York Senate Majority Leader Dean Skelos unexpectedly took the witness stand in his own defense Friday at a retrial over charges he strong-armed businesses for illicit payments to his son, denying that he ever traded his official position for personal gain. [Read more »](#)

Manafort Says Change Venue, Fears Beltway Clinton Bias

Attorneys for Paul Manafort told a Virginia federal judge Friday that he should shift the former President Donald Trump campaign chair's rapidly approaching tax and bank fraud trial from inside the Washington, D.C., beltway

to Roanoke, Virginia, where voters leaned more toward Trump in 2016. [Read more »](#)

PEOPLE

Blockchain Atty Departs MoFo To Launch Crypto Boutique

Joshua Ashley Klayman, a founder and former head of Morrison & Foerster LLP's blockchain and smart contracts group, has spun off her own boutique law firm called Klayman LLC, a New York-based outfit that she says will target the digital token sale and blockchain industry as it continues to morph. [Read more »](#)

EXPERT ANALYSIS

Series

High Crimes And Misdemeanors: Impeachment Isn't A Trial

The U.S. Constitution specifies that a president can only be impeached for committing "high crimes and misdemeanors." A comparison of the only two presidential impeachments to date suggests that the actual logistics of the process are fluid and unpredictable, says David O. Stewart, who served as defense counsel during the U.S. Senate impeachment trial of Judge Walter Nixon. [Read more »](#)

3 Key Defense Arguments For Post-Lucia SEC Proceedings

The U.S. Securities and Exchange Commission's post-Lucia problems extend beyond the practical challenge of litigating cases for a second time. The U.S. Supreme Court's decision has also set up several concrete defense arguments for respondents in SEC administrative actions, say Andrew Morris and Ben Aiken of Orrick Herrington & Sutcliffe LLP. [Read more »](#)

Series

Winner's Playbook: Behind The Scenes Of Sports Bet Case

Three members of the Gibson Dunn & Crutcher LLP team that represented the state of New Jersey in *Murphy v. NCAA* explain how they kept the faith — over six years of litigation — that the U.S. Supreme Court would eventually strike down the federal prohibition on state legalization of sports wagering. [Read more = 2](#)

Myths And Facts About Using TAR Across Borders

Many legal teams involved in cross-border matters still hesitate to use technology assisted review, questioning its ability to handle non-English document collections. However, with the proper expertise, modern TAR can be used with any language, including challenging Asian languages, say John Tredennick and David Sannar of Catalyst Repository Systems. [Read more »](#)

What Will Happen With Tenn. Rule 129 In Light Of Wayfair

In 2016, Tennessee devised its own nonphysical presence economic nexus test — Rule 129 — which was challenged before it became effective in *American Catalog Mailers Association v. Tennessee Department of Revenue*. Enforcement of the rule was stayed pending the conclusion of litigation. David Mittelstadt and David Hunter at Chambliss Bahner & Stophel PC analyze its chances of success in light of *South Dakota v. Wayfair*. [Read more »](#)

LEGAL INDUSTRY

Global 20: DLA Piper

DLA Piper relied last year on its global presence to help strike one of the largest deals by a China-based company after the Asian nation imposed stricter controls on overseas investments, helping land it a spot on Law360's Global 20 list for the eighth consecutive year. [Read more »](#)

Feature

How Clients Decide Which Firms To Cut And Which To Keep

Many corporate legal departments periodically slash a large number of law firms from their rosters of go-to outside counsel, deciding in one fell swoop which to cut and which to keep. Here is a look at the factors at play when those decisions are made. [Read more »](#)

Arnold & Porter Ups Salaries, While DLA Piper Adds Bonuses

Arnold & Porter joined the chorus of firms hiking associate compensation, offering increases to base salaries for its first- through eighth-year attorneys, while DLA Piper sweetened its previously announced raises with the promise of midyear bonuses, according to internal memos made public on Friday. [Read more »](#)

Legal Sector Hits Employment High Thanks To Strong June

After an anemic start to 2018, the legal sector rallied in June, adding 4,800 jobs and bringing the total number of industry jobs to surpass the high-water mark set one year ago, the U.S. Bureau of Labor Statistics announced on Friday. [Read more »](#)

Feature

GC Cheat Sheet: The Hottest Corporate News Of The Week

A new study showed that more than a half million U.S. businesses could be influenced by a new privacy law in California, New York pushed banks to work with medical marijuana companies and the Internal Revenue Service approved five new compliance campaigns, including a focus on virtual currencies. These are some of the stories in corporate legal news you may have missed in the past week. [Read more »](#)

Under Regulator Pressure, Avvo Legal Services To Shut Down

Avvo Legal Services, the online client-lawyer connector besieged by bar ethics committees, is soon to be no more. [Read more »](#)

Podcast

Law360's Pro Say: High Court Cases, Kennedy & Key Stats

It's safe to say the 2017 U.S. Supreme Court term was a wild ride — with cases on President Donald Trump's travel ban, a baker's right to free speech and gerrymandered election maps, plus Justice Anthony Kennedy's retirement announcement. On this week's special episode of the Pro Say podcast, we're dedicating our entire show to stepping back and looking at what lessons can be taken from it all. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

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From: Public Policy Law360
Sent: Tuesday, July 10, 2018 5:14 AM
To: Rep48
Subject: 5 Kavanaugh Opinions You Need To Read Right Now



Tuesday, July 10, 2018



SUPREME COURT NOMINATION

Feature

5 Kavanaugh Opinions You Need To Read Right Now

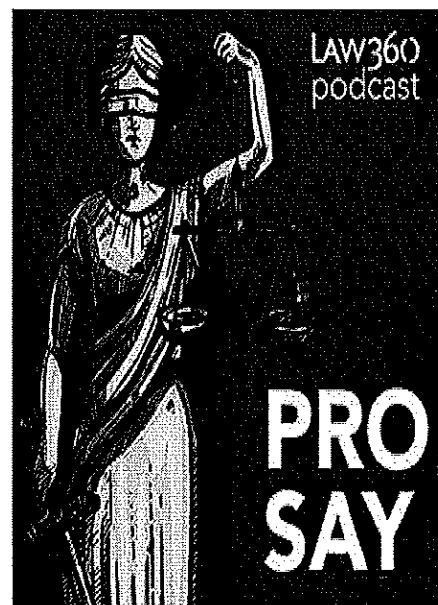
President Donald Trump called Judge Brett Kavanaugh a "judge's judge" when he named him Monday as his pick to succeed retiring U.S. Supreme Court Justice Anthony Kennedy. As all eyes turn to the Senate for what is expected to be a bruising confirmation process, here are the opinions. [Read more »](#)

Trump Picks Brett Kavanaugh For Supreme Court

President Donald Trump on Monday nominated Judge Brett Kavanaugh, a 12-year veteran of the D.C. Circuit, to replace Justice Anthony Kennedy on the U.S. Supreme Court. [Read more »](#)

Senate Battle Lines Drawn With Kavanaugh As Trump's Pick

President Donald Trump's announcement of D.C. Circuit Judge Brett Kavanaugh to replace retiring Supreme Court Justice Anthony Kennedy on Monday night quickly generated strong reactions across Capitol Hill as senators on both sides of the partisan divide braced for a battle over the future of the Supreme Court. [Read more »](#)



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Cappello & Noel
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Davis Polk
Davis Wright Tremaine
Epstein Becker Green

Analysis

How Kavanaugh's Conservative Cred, DC Ties Won The Day

In D.C. Circuit Judge Brett Kavanaugh, President Donald Trump turned to a U.S. Supreme Court nominee who built a reputation on the court for fighting government overreach — making him the favorite of the Republican legal establishment. [Read more »](#)

TOP NEWS

Senate Advances Trump's 9th Circ. Pick With Bipartisan Vote

The Senate is set for a final vote on what would be President Donald Trump's first confirmed judge on the influential Ninth Circuit later this week, after the nomination of Starn O'Toole Marcus & Fisher director Mark J. Bennett cleared a hurdle Monday with a bipartisan procedural vote. [Read more »](#)

Feature

4 Things To Know About The New EPA Chief

Andrew Wheeler assumed the role of acting administrator of the EPA on Monday. While experts anticipate that the agency will continue to implement the Trump administration's deregulatory agenda under its new leader, here are four things to keep in mind as Wheeler steps into the role. [Read more »](#)

Analysis

Under New Chair, FTC Aims To Up Its Game For 21st Century

In his first major initiative since becoming chairman of the Federal Trade Commission, Joseph Simons is aiming to make sure the agency's approach to protecting competition and consumers is keeping up with tectonic forces reshaping the economy, including the rise of big data and dominant technology platforms, a resurgence in vertical mergers and complaints that employers in

Faegre Baker
Foley Hoag
Freshfields
Gibson Dunn
Goodwin
Hoguet Newman
Jenner & Block
Jomarron Lopez
Kirkland & Ellis
Lane Powell
Latham & Watkins
Massey & Gail
Mayer Brown
Moore & Van Allen
Munger Tolles
Prince Lobel
Robinson Miller
Schiller
Shapiro Arato
Spiegel & McDiarmid
Stanley Reuter
Starn O'Toole
Stone Pigman
Tarter Krinsky
Winston & Strawn

COMPANIES

Airbnb Inc.
Amazon.com Inc.
American Bar Association
American Civil Liberties Union
Apple Inc.
Black Hills Corporation
CCB International Holdings Ltd.
CTIA
Cable News Network Inc.
Canadian National Railway
Company

some industries have the market power to keep wages low. [Read more »](#)

With Trump's Tariffs In Effect, China Expands WTO Fight

The Chinese government has expanded its World Trade Organization challenge of President Donald Trump's sweeping tariffs meant to counter Beijing's intellectual property policies, alleging that the United States has violated global trade rules, according to a WTO document circulated Monday. [Read more »](#)

US To Miss Deadline To Reunite Young Migrants With Families

The U.S. Department of Justice told a California federal court Monday that it will have reunited only about half of the immigrant children under age five with their families by Tuesday after they were separated from their parents at the U.S. border, missing a court-ordered deadline. [Read more »](#)

BANKING & SECURITIES

Mulvaney Elevates Top Adviser To Acting CFPB Deputy

Consumer Financial Protection Bureau acting Director Mick Mulvaney said Monday that he's picked a senior adviser to take over for Leandra English, the outgoing deputy director who vied with Mulvaney for the top slot at the consumer watchdog agency. [Read more »](#)

Hong Kong Fines Bank \$3M For Failing Duties As IPO Sponsor

Hong Kong's Securities and Futures Commission has fined the investment bank CCB International Capital Ltd. HK\$24 million (\$3.06 million) for neglecting its responsibilities as the sole sponsor of a food company's initial public offering, the agency said Monday. [Read more »](#)

ENERGY & ENVIRONMENTAL

Center for Human Rights & Constitutional Law
Chevron Corp.
Clearing House Payments Co. LLC
Exelon Corporation
Facebook
Federalist Society
Fifth Third Bancorp
Google Inc.
Hobby Lobby Stores
Law Foundation of Silicon Valley
Murray Energy Corp.
National Center for Youth Law
National Consumer Law Center
Natural Resources Defense Council
Nestle
Nuclear Energy Institute
PHH Corporation
PJM Interconnection LLC
Pacific Legal Foundation
President Chain Store Corp.
Public Company Accounting Oversight Board
Quill Corp.
SIFMA
Starbucks Corporation
T-Mobile USA Inc.
Verizon Communications Inc.
Volkswagen
Wal-Mart Stores Inc.
Washington Capitals
Washington Nationals
Wayfair LLC
Waze Mobile Ltd.
Weyerhaeuser Co.
World Airways Inc.
Xcel Energy Inc.

Ex-DOI Officials Urge Justices To Keep Frog Habitat Ruling

Former U.S. Department of the Interior leaders have thrown their support behind the federal government in a challenge at the U.S. Supreme Court to the U.S. Fish and Wildlife Service's finding that 1,500 acres of private property in Louisiana were critical habitat for an endangered frog species. [Read more »](#)

DOE Awards \$75M To High-Energy Physics Projects

The U.S. Department of Energy said Monday it has awarded \$75 million in funding for nearly 80 university research projects relating to high-energy physics, including topics like dark matter and dark energy. [Read more »](#)

Exelon Says FERC Order Doesn't Doom Nuke Subsidies

Exelon Generation Co. LLC has told the Second and Seventh Circuits that nuclear plant subsidies offered by New York and Illinois were not jeopardized by a recent Federal Energy Regulatory Commission order that PJM Interconnection make changes to its electricity rates to reduce the effect of state clean energy subsidies. [Read more »](#)

REAL ESTATE

Feature

NY Real Estate Legislation To Watch In The 2nd Half Of 2018

New York could be on the cusp of passing major legislation to regulate short-term rentals and real estate lawyers will be eyeing that as well as various potential rezonings. Here, Law360 looks at three areas of legislation and regulation New York real estate lawyers will be keeping a close watch on in the second half of the year. [Read more »](#)

COMPETITION

GOVERNMENT AGENCIES

Bureau of Indian Affairs
Consumer Financial Protection Bureau
Executive Office of the President
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Judicial Center
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Internal Revenue Service
NAFTA
National Labor Relations Board
National Telecommunications and Information Administration
New York State Senate
Office of the Comptroller of the Currency
Office of the U.S. Trade Representative
Securities and Exchange Commission
Solicitors Regulation Authority
U.S. Attorney's Office
U.S. Department of Energy
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of State
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. House Committee on Energy and Commerce
U.S. House of Representatives

DOJ Wants 19 'Obsolete' Antitrust Judgments To Be Nullified

The U.S. Department of Justice asked a D.C. federal judge on Monday to terminate 19 "legacy" antitrust judgments it said are decades old and "obsolete," in what's promised to be the "first of many" such requests as the department reviews nearly 1,300 outstanding judgments. [Read more »](#)

CYBERSECURITY & PRIVACY

GOP Reps. Question Google, Apple On Data Collection

Republican members of the U.S. House of Representatives on Monday asked the heads of Apple Inc. and Google parent Alphabet Inc. for more details on what data their firms sweep up from consumers' smartphones, including whether they listen in to pieces of unwitting users' conversations. [Read more »](#)

INTERNATIONAL TRADE

Auto Groups Want To Get NAFTA Talks Back On Track

Leading automotive industry trade groups from the U.S., Canada and Mexico banded together on Monday to call for a "renewed commitment" to modernize the North American Free Trade Agreement, which has been on the rocks as the Trump administration levies sweeping trade barriers against the U.S.' neighbors. [Read more »](#)

BANKRUPTCY

Puerto Rico Lawmakers Join Battle Over Fed Board Power

Two Puerto Rican lawmakers hit the island's embattled federal oversight board with a lawsuit Monday that seeks to rein it in, claiming the board overstepped its legal boundaries when it threatened to cut lawmakers' salaries if

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

United States Court of Appeals for the Third Circuit

World Trade Organization

they didn't pass a law rolling back employment protections. [Read more »](#)

IMMIGRATION

Judge Gee Slams Gov't Bid For Immigrant Kid Detentions

The federal government got a scolding Monday from U.S. District Judge Dolly M. Gee as she refused to modify the so-called Flores agreement's protections for immigrant children in an order that called the bid a "cynical attempt to shift responsibility" for immigration law from Congress to courts. [Read more »](#)

Texas Asks DC Circ. To Nix Block On Detainee Abortion Rules

Texas and nine other states urged the D.C. Circuit on Friday to reverse a District of Columbia federal court's ruling that temporarily paused a federal agency's policy of barring the facilitation of abortions for unauthorized detained minors, saying the U.S. Constitution does not cover the teens. [Read more »](#)

Iranian-American Sues Gov't Over 'Confusing' Visa Delays

An Iranian-American woman is suing the U.S. government in Massachusetts federal court on claims it has unreasonably delayed her brother-in-law's visa application for over a decade, and arguing that her family has suffered as a result of the Trump administration's "confusing" immigration policies. [Read more »](#)

NATIVE AMERICAN

Gov't, Landowners Want Quick Wins In Tribal Land Trust Row

California agricultural landowners fighting a final decision to take about 1,400 acres of Santa Barbara County land into trust for a tribe and the federal government have both urged a

federal court to give them a quick win in the landowners' suit. [Read more »](#)

TELECOMMUNICATIONS

Interview

15 Minutes With CTIA's General Counsel

As general counsel for wireless industry trade group CTIA, Tom Power deals with the technology powering futuristic innovations like remote surgery, "smart" infrastructure and ubiquitous cellphone communications. He recently spoke with Law360 on the changing regulatory landscape, the complicated problem of spectrum-sharing and the root of his interest in communications: his past as an amateur disk jockey. [Read more »](#)

Penn State Prof Aims To Pinpoint State Broadband Gaps

A Pennsylvania State University professor will spend the next year attempting to create a more accurate map of high-speed internet access in the state of Pennsylvania, in an effort to identify areas that remain underserved by broadband. [Read more »](#)

Mass. Town Defends Refusal of Too-Close T-Mobile Tower

A Massachusetts town on Monday urged a federal judge to end a suit accusing it of improperly denying T-Mobile and another company the right to build a cellphone tower, arguing that officials' determination that the project was too close to residential neighborhoods was evidence-based. [Read more »](#)

Federal Contractor TCPA Liability A Loophole, Group Says

A trade group for hundreds of federal contractors has asked the Federal Communications Commission to strike a clause from its Telephone Consumer Protection Act rules that may undermine their

shield from robocall lawsuits, saying it appears to have been mistakenly added. [Read more »](#)

WHITE COLLAR

3rd Circ. Backs NJ's Nonmonetary Bail Reform

The Third Circuit on Monday rejected a bid to enjoin New Jersey's landmark bail reform program based on claims from a man who said that an order placing him on house arrest in advance of an assault trial violated his constitutional right to pretrial release on bail or bond [Read more »](#)

Mueller Aims To Block 2 Key Arguments From Manafort Trial

Special Counsel Robert Mueller asked a D.C. federal judge Monday to prevent Paul Manafort from arguing at trial that the case against him is politically motivated or that prosecutors had previously decided not to charge him, saying such arguments are irrelevant to the jury. [Read more »](#)

Skelos Admits He Helped Son Get Work, Denies Corruption

Former New York State Senate leader Dean Skelos told a Manhattan federal jury on Monday that he never traded the power of his office to help his son Adam, but on cross-examination admitted to pressing a real estate developer at least three times to help his son find work. [Read more »](#)

EXPERT ANALYSIS

Series

High Crimes And Misdemeanors: A View From The #MeToo Era

The #MeToo movement has called attention to something that feminists avoided focusing on during the impeachment of President Bill Clinton — something the law is not very good at capturing. "Consent" may be obtained under varying kinds and degrees of coercive

conditions. And it can be refused at a high cost, says Elizabeth Rapaport of the University of New Mexico School of Law. [Read more »](#)

What To Expect From The FDIC's New Chief

A takeaway from the few public statements available so far is that Jelena McWilliams, the Federal Deposit Insurance Corp.'s new chairwoman, has put forth an ambitious, pro-industry agenda that will require coordination among the banking regulators, say Kristina Whittaker and Neil Bloomfield of Moore & Van Allen PLLC. [Read more »](#)

Interpreting Complex Statutes: When To Go Beyond The Text

The U.S. Supreme Court's majority and dissenting opinions in *Wisconsin Central v. U.S.* — a significant decision for the tax community despite receiving little attention last month — are an important exploration of when it is permissible for a court to use interpretive tools like legislative history, administrative interpretation and policy outcomes to find the meaning of complex statutory language, says Professor Edward Zelinsky of Benjamin N. Cardozo School of Law. [Read more »](#)

LEGAL INDUSTRY

Global 20: Freshfields

Freshfields Bruckhaus Deringer LLP has managed the fallout for Volkswagen in 60 countries stemming from the diesel emissions scandal and steered Starbucks' \$1.3 billion buyout of its East China business last year under the firm's strategy of global partnership, meriting it a spot on Law360's Global 20 list. [Read more »](#)

ABA At Risk Of Being Fiscally Nonviable, Internal Memos Say

The American Bar Association faces an uncertain future if it continues on its current track of shedding dues payers and losing

revenues, according to a pair of internal memos to the association's board of governors written in June. [Read more »](#)

Magic Circle Associate Alleges Sexual Assault By Partner

An anonymous attorney has submitted a letter to the U.K.'s Women and Equalities Commission alleging they were sexually assaulted by a partner at a Magic Circle law firm while working as a junior lawyer and saying the firm failed to take the incident seriously. [Read more »](#)

Power Imbalance Causes Harassment At Firms: Women's Bar

Unchecked power imbalances at law firms are the most common factors that lead to negative and inappropriate workplace behavior, according to a survey released Monday by the Women's Bar Association of Massachusetts in partnership with the Rikleen Institute for Strategic Leadership. [Read more »](#)

JOBS

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From: Public Policy Law360
Sent: Friday, April 22, 2016 4:21 AM
To: Rep48
Subject: Bankers Face Bonus Restrictions Under New Proposed Rule



Friday, April 22, 2016



TOP NEWS

Bankers Face Bonus Restrictions Under New Proposed Rule

U.S. financial regulators on Thursday unveiled long-awaited proposed restrictions on banker incentive-based compensation that would see top executives at the largest institutions defer a significant portion of their bonuses and other incentive-based pay for four years.

In First Speech As Nominee, Garland Praises Pro Bono Work

U.S. Supreme Court nominee Judge Merrick Garland on Thursday spoke publicly for the first time since being nominated for the high court, praising Washington, D.C., attorneys for their pro bono work, but did not touch on his nomination.

Dickstein Shapiro Cleared In Fla. Lobbying Probe

A Florida ethics commission cleared Dickstein Shapiro LLP and a onetime practice leader Wednesday of allegations that they improperly tried to influence state Attorney General Pam Bondi on behalf of corporate clients.

FTC Commish Calls On Agency To Examine Data Privacy Regs

Federal Trade Commissioner Maureen Ohlhausen on Thursday called on her agency to

LAW FIRMS

Arnstein & Lehr
Audet & Partners
Ballard Spahr
Bancroft PLLC
Barnes & Thornburg
Baron & Budd
Blank Rome
Bradley Arant
Carlton Fields
Chaffetz Lindsey
Clay Daniel Walton
Cleary Gottlieb
Cozen O'Connor
Debevoise & Plimpton
Dechert
Dickstein Shapiro
Dovel & Luner
Drinker Biddle
Durie Tangri
Edelson PC
Farella Braun
Fine Kaplan
Gibson Dunn
Greenberg Traurig
Haight Brown
Hardy Carey

look into how its rules apply to the "Internet of Things" in industries including automotive and health care, saying technological changes and disruptive business models can create new privacy risks for consumers.

Senate Bid To Block Clean Water Rule Funding Falls Short

The U.S. Senate on Thursday rejected a proposed amendment to cut off funding for the U.S. Environmental Protection Agency's contentious Clean Water Rule, as it continued debate on a \$37.5 billion bill funding federal energy, water development and certain weapons programs for 2017.

Koch Bros. Group Wins Trial To Keep Donor List Private

A California federal judge on Thursday granted conservative advocacy group Americans for Prosperity Foundation's bid to prevent California's attorney general from obtaining its donor list, ruling after a bench trial that allowing the donor list handover would violate the foundation's free speech rights.

ANALYSIS

SEC Disclosure Regs Primed For Cleanup, Not Renovation

As the U.S. Securities and Exchange Commission seeks input on how it should modernize regulations governing public company disclosures, lawyers say the review provides a fresh opportunity to trim one-size-fits-all rules that have been accumulating for decades, but some doubt that the process will generate bold changes.

No Bump In Union Election Wins In 1st Year Of NLRB Rule

After a year on the books, the National Labor Relations Board's controversial union election rule has sped up election procedures but hasn't led to the spike in representation petitions or

Houthoff Buruma
Hunton & Williams
Jenner & Block
Kelley Drye
Kerr & Wagstaffe
Kirkland & Ellis
Leitner Williams
Leonard Carder
Mayer Brown
McDermott Will
McElroy Deutsch
MoloLamken LLP
O'Melveny & Myers
Paul Weiss
Pillsbury Winthrop
Quinn Emanuel
Reed Smith
Scharf Banks
Schnader Harrison
Sedgwick LLP
Shearman & Sterling
Snell & Wilmer
Stafford Rosenbaum
Stoll Keenon
Taylor & Associates
Troutman Sanders
Weil Gotshal
Western Environmental Law
Center
White & Case
Wiley Rein

COMPANIES

AT&T Inc.
AXA SA
American Bar Association
American Civil Liberties Union
American Farm Bureau
Federation

increased union election wins that management-side lawyers had initially feared.

Won A Contract Corrective Action? Don't Celebrate Just Yet

Federal agencies frequently take corrective action on contracting decisions either on their own or at the U.S. Government Accountability Office's prodding, but while those efforts can boost losing-bidders' competitive chances, attorneys say it's still unlikely the award will actually change hands.

New Broadcast Standard Set For Rare Smooth Sailing At FCC

With Federal Communications Commission Chairman Tom Wheeler's signaling Wednesday that the FCC will move quickly to advance a new over-the-air broadcasting standard, experts said the plan to let market forces decide the rollout should have a smooth ride to government approval even in an FCC dogged by partisan bickering.

High Court Unlikely To Wade Into 6th Circ. Water Row

The Sixth Circuit's refusal Thursday to revisit a shaky panel decision that asserted jurisdiction over challenges to the U.S. Environmental Protection Agency's Clean Water Rule gives the rule's opponents a chance to seek high court review, but experts say the U.S. Supreme Court will likely avoid the case until the Sixth Circuit rules on its merits.

Tougher US Plan On Banker Bonuses Still Trails Europe Regs

A proposal to restrict incentive compensation for financial firm executives moves beyond a previous version of the Dodd-Frank Act-mandated regulation, but some critics say that the U.S. still lags behind other jurisdictions when it comes to limiting the rewards bankers receive for taking on excess risk.

BANKING & SECURITIES

American Gaming Association
American Petroleum Institute Inc.
Apple Inc.
BTI Consulting Group Inc.
BlueCross BlueShield of
Tennessee
Center for Biological Diversity Inc.
Citigroup Inc.
Coherent, Inc.
Comcast Corporation
DISH Network Corporation
Financial Industry Regulatory
Authority Inc.
Lambda Legal Defense &
Educational Fund
Lyft Inc.
McGraw Hill Financial Inc.
Morgan Stanley
Murray Energy Corp.
NFL Enterprises LLC
NJ Transit Corp.
National Association of
Broadcasters
National Association of Home
Builders
National Association of Insurance
Commissioners
National Association of
Manufacturers
National Railroad Passenger
Corporation
New York Times Co.
Nobel Biocare Holding AG
Parsons Corp.
SIFMA
Samsung Electronics Co. Ltd.
Sierra Club
State Bar of California
Uber Technologies Inc.

EU Official Urges Lighter Regulation Of Small Banks

The European Union's top financial services official said Thursday he wants to ease capital and disclosure requirements for smaller banks as part of an approach that's more "proportionate" than the financial crisis-era rules that many companies say are too one-size-fits-all and hinder the growth of Europe's capital markets.

FINRA Again Stalls Debt Research Rules Over Firms' Concerns

The Financial Industry Regulatory Authority on Wednesday said it will again delay implementing rules that will regulate debt research reports and analysts for the first time, saying it wants to give members more time to adapt after continuing to receive questions over the new requirements.

House Panel Blasts SEC's Oversight Of Rating Agencies

The U.S. Securities and Exchange Commission's efforts to police credit rating agencies after the financial crisis came under congressional fire on Thursday when members of a House Financial Services subcommittee took an agency official to task for not clamping down more tightly on an industry that was at the center of the Great Recession.

ENERGY & ENVIRONMENTAL

NJ Takes Steps To Allow More Development In Protected Area

The New Jersey Department of Environmental Protection announced Thursday that it is working toward amending septic density rules that cap development in its protected Highlands region, saying recent scientific data suggests it can increase sewage capacity in forested and other protected areas and still maintain the region's high water quality standards.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Indian Affairs
Bureau of Reclamation
California Department of Consumer Affairs
California Department of Public Health
California State Board of Equalization
Central Intelligence Agency
Drug Enforcement Administration
European Commission
Executive Office of the President
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Housing Finance Agency
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Government Accountability Office
Internal Revenue Service
National Aeronautics and Space Administration
National Credit Union Administration
National Labor Relations Board
National Oceanic and Atmospheric Administration
National Telecommunications and Information Administration
Navajo Nation
New Jersey Department of Transportation
New Jersey Election Law Enforcement Commission
Office of Surface Mining Reclamation and Enforcement

6th Circ. Won't Rethink Venue For Water Rule Challenge

The full Sixth Circuit on Thursday declined to review a panel's finding that challenges to a controversial water rule belong at the appeals court — a loss for states and industry groups that sought to litigate the rule at the district court level.

Pa. Oil, Gas Well Rules OK'd By Regulatory Review Board

Controversial new rules governing surface operations at oil and gas wells in Pennsylvania were narrowly approved Thursday afternoon after a marathon hearing before the state's Independent Regulatory Review Commission.

MEDIA & ENTERTAINMENT

Sports Gambling Should Move Aboveground, Group Tells DC

The U.S. gaming industry's biggest trade group and a suspicious-betting monitoring service on Wednesday called on lawmakers to make sports betting legal nationwide as the ban faces a challenge in the Third Circuit, saying illegal gambling is putting money in criminals' pockets and taking it out of the government's pockets.

TRANSPORTATION & INFRASTRUCTURE

Ex-Amtrak Exec Backs Out Of Top NJ Transit Job

A former Amtrak chief operating officer tapped to lead New Jersey Transit has backed out just days before he was set to take over the top job at the country's third-largest public transportation provider, citing concerns about moving his family from Virginia.

DC Circ. Upholds Secrecy Of CIA Drone Killings

A D.C. Circuit panel on Thursday allowed the Central Intelligence Agency to keep legal

Office of the Comptroller of the Currency

Securities and Exchange Commission

U.S. Army

U.S. Department of Energy

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

United Nations

World Bank Group

deliberations and summaries on targeted drone killings secret, agreeing with a lower court that the American Civil Liberties Union's Freedom of Information Act suit is seeking classified information important to national security.

Uber Hit With \$11.4M Fine By Pa. Regulator

Uber Technologies Inc. was hit with a nearly \$11.4 million fine Thursday for beginning operations in Pennsylvania without proper licensure, after state utility regulators concluded that the ride-sharing company earned a significant reduction in a proposed \$50 million penalty by coming into compliance over the last year.

EMPLOYMENT

House Committee OKs Resolution To Bar DOL Fiduciary Rule

A Republican-controlled congressional committee on Thursday approved a resolution to block the government from implementing the U.S. Department of Labor's "fiduciary rule" requiring financial advisers to act in their clients' best interest, a step forward in the party's concerted effort to stop the rule.

Ex-Houston Mayor Asks 5th Circ. To Nix Atty Fee Fight

Former Houston Mayor Annise Parker told the Fifth Circuit on Wednesday that it should affirm a lower court's dismissal of a suit seeking attorneys' fees brought against her by a coalition of pastors related to a politically polarizing equal-rights ordinance.

PRIVACY & CONSUMER PROTECTION

6th Circ. Cuts Ky. Gov. From Davis' Marriage License Row

The Sixth Circuit has freed Kentucky Gov. Matt Bevin from litigation brought by Rowan County Clerk Kim Davis asking the state to remove her name from marriage licenses in protest of

same-sex marriage, finding an executive order doing just that nullified her claims.

More Challengers Join ACLU In NC Transgender Law Fight

The American Civil Liberties Union added three more plaintiffs Thursday to its federal challenge of North Carolina's now-infamous law barring transgender people from public bathrooms that don't match their biological sex and blocking municipalities from passing anti-discrimination ordinances.

4th Circ. Transgender Ruling Signals Defeat For NC Law

When the Fourth Circuit ruled this week that barring a transgender male student from the boys' bathroom in Virginia violates federal education law, it forecast a defeat over North Carolina's already notorious discrimination law.

INTERNATIONAL TRADE

House Ag Chairman Blasts Turkish Duties On US Cotton

House Agriculture Committee Chairman Michael Conaway, R-Texas, on Wednesday took aim at a new remedial tariff imposed by the Turkish government on U.S. cotton fiber shipments, suggesting that the anti-dumping duty is not in line with World Trade Organization rules.

Businesses Want Substance Over Speed In Latest TTIP Round

A coalition of European and U.S. businesses on Thursday said that next week's round of Transatlantic Trade and Investment Partnership negotiations should keep the two governments moving toward a high-standard pact, but stressed that officials should not race to strike a deal.

TAX

Move To Regulate Tax Preparers Rejected By Senate Panel

The Senate Finance Committee on Wednesday approved two bipartisan pieces of legislation geared toward preventing tax fraud and identity theft and protecting taxpayers, but the lawmakers shot down an amendment to one of the bills that would have allowed the government to regulate tax preparers.

House Votes To Bar IRS Bonuses Until Service Improves

The U.S. House of Representatives passed a pair of bills Thursday banning the Internal Revenue Service from paying employee bonuses until it develops a plan to improve customer service and preventing it from rehiring staff previously terminated for cause.

IMMIGRATION

Sen. Floats Bill To Create New Guest Worker Program

Sen. Jeff Flake, R-Ariz., introduced legislation Wednesday to create a new guest worker program for people who don't have bachelor's degrees, billing the proposal as a way to tackle the gap between the H-1B program for skilled workers and seasonal worker programs.

NATIVE AMERICAN

Amid Suit, EPA Proposes New Rules For Maine's Tribal Waters

The U.S. Environmental Protection Agency proposed new water quality standards Wednesday to regulate tribal waters in Maine, in the midst of an ongoing lawsuit in which Maine is accusing the federal agency of limiting its powers to monitor these waters.

Enviro Groups Sue Feds Over Navajo Coal Approvals

The U.S. Department of the Interior broke the law by allowing a Navajo Nation-owned coal mine to expand and feed the Four Corners

Power Plant for another 25 years despite the threat it poses to the ecosystem of the Southwest, according to a lawsuit filed by five environmental groups Wednesday in Arizona federal court.

TELECOMMUNICATIONS

Reid Bashes McConnell Over FCC Confirmation Delay

Minority Leader Sen. Harry Reid, D-Nev., criticized Sen. Mitch McConnell, R-Ky., for allegedly going back on his word to quickly reconfirm Federal Communications Commissioner Jessica Rosenworcel on the Senate floor Thursday, saying her nomination has languished for more than a year.

Comcast Ballyhoos Set Top Box-Free Programming

Comcast cable subscribers with either a Samsung smart TV or a Roku player will be able to use either device to access Comcast programming without a set-top box, the cable giant told the Federal Communications Commission on Wednesday.

NEW JERSEY

NJ Senate Panel Advances Christie Pick For High Court

Walter F. Timpone, a McElroy Deutsch Mulvaney & Carpenter LLP partner tapped by New Jersey Gov. Chris Christie to fill a state Supreme Court vacancy, received the unanimous backing of a state Senate panel Thursday, clearing the way for a vote on his nomination by the full house.

EXPERT ANALYSIS

Why Earth Day Is Everyone's Business

The concept of sustainability is no longer just a fad. The effects of climate change have become more dire. This Earth Day, all of us in the environmental law community and beyond need

to collectively rise to the challenge of climate change and help our clients and communities embrace the new regime of sustainable enterprise, says Remi Moncel at O'Melveny & Myers LLP.

State Legislation Vs. Federal Prohibition Of Marijuana

The tension between federal prohibition and state legalization of marijuana — medical and recreational — makes for complicated law, but general consensus is that federal prohibition trumps state legalization. However, recent developments in the federal government and at a California court of appeal could signal a potential shift in marijuana policy, say Carrie Bonnington and Derek Mayor at Pillsbury Winthrop Shaw Pittman LLP.

New Tax Plan Will Hurt IT, Pharma Vendors In Texas

A proposed tax rule in Texas does not comport with the common-sense meaning of the term "produced," which has previously been interpreted to mean making a physical change to an item, rather than merely adding intangible property. The rule will likely have the undesirable effect of stifling information technology and pharmaceutical development by Texas taxpayers, say attorneys with McDermott Will & Emery LLP.

Changes In Nev. Construction Law Foster Real Estate Growth

The 2015 Nevada state legislative session was one for the (construction law) books with the Legislature lowering the maximum retention rate allowed in contracts and subcontracts from 10 to 5 percent and completely overhauling Nevada's residential construction defect statutes — which could spur real estate development, says Sarah Mead at Snell & Wilmer LLP.

Avoiding The Pitfalls Of Researching Attorneys In PACER

While PACER is a powerful tool for gaining information, practitioners should keep in mind that certain flaws often cause lawyers to be omitted from cases they've worked on or to show up associated with the wrong firm. These errors build up across aggregate records, tainting any conclusions drawn from such data — often to a surprising extent, according to Brian Howard, a legal data scientist at Lex Machina.

LEGAL INDUSTRY

5 Traits Of The Best Law Firm Management Committees

Running a successful law firm may often seem to require the skills of a politician, magician and psychologist all at the same time, but there are basic practices and approaches a firm can employ to ensure it has the best possible management committee leading the way. Here, Law360 takes a look at five traits that help law firm leadership succeed.

AFAs Now Dominate A Third Of Firm Spending

With the average client now reportedly saving \$2.7 million through alternative fee arrangements, it's easy to see why AFA-based outside counsel spending has grown at a steady, 19.8 percent clip since 2012, accounting for over a third of law firm spending last year.

Women Missing Out On Lead Roles In Court, Study Says

Though women make up nearly half of all law school graduates, they are lagging far behind in courtroom leadership roles, according to a study presented Thursday at a symposium on women trial attorneys at the U.S. District Court for the Northern District of Illinois.

9th Circ. Arms Firms Seeking To Discharge Client Debt

A ruling by the Ninth Circuit that a California lawyer who filed for bankruptcy doesn't have to pay an arbitration award debt to a client will open the door for financially strapped firms to argue that other kinds of obligations to clients should also be dischargeable, experts said.

Law360's Weekly Verdict: Legal Lions & Lambs

Attorneys from Cleary Gottlieb Steen & Hamilton LLP, White & Case LLP and six foreign law firms secured a spot on Law360's list of legal lions this week by getting a \$50 billion shareholder judgment against Russia overturned while Kelley Drye & Warren LLP and Stafford Rosenbaum LLP landed on the list of lambs after a jury handed a \$940 million trade secrets verdict to their clients' opponents.

Conflicted Attys Can't Accept Referral Fees, ABA Says

A lawyer cannot accept a case referral fee if they would otherwise be blocked from representing the client due to a conflict, the American Bar Association said in a Thursday ethics opinion.

JOBS

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Legal Secretary - Denver Tech Center
Holland & Hart
Denver, Colorado

From: Heartland Institute: The Government Relations Team
Sent: Thursday, May 12, 2016 5:04 PM
To: Rep48
Subject: The Leaflet - States Impacted by Federal Regulations



States Impacted by Federal Regulations

Across the country, Patrick A. McLaughlin, senior research fellow at the Mercatus Center, and Oliver Sherouse, research analyst at Mercatus, recently released the 2016 edition of the Federal Regulation and State Enterprise (FRASE) Index. The Index ranks the degree to which federal regulation affects the 50 states and Washington, DC. The researchers found the state harmed the most by regulations is Louisiana. The state affected the least is New Hampshire.

The FRASE Index examines thousands of administrative laws regulatory agencies pass each year. The authors explain that while regulations are not pieces of legislation that typically dominate news cycles, they are still laws that often have serious consequences for those who fail to comply, such as significant fines or jail time.

McLaughlin and Sherouse say in the Index that regulations are abundant: "The Code of Federal Regulations (CFR), which annually compiles all current federal regulations, numbers more than 175,000 pages in 236 volumes. Those pages contain over one million individual restrictions that mandate or prohibit some activity. And those numbers are growing: by restriction count, the CFR is nearly twice as large as it was in 1975."

Mercatus recently created a website called RegData, which measures the FRASE Index score. A FRASE Index score of 1 means federal regulations affect a state to precisely the same degree that they do the nation as a whole. A score higher than 1 indicates federal regulations have a higher impact on the state than on the nation, and a score below 1 means they have a lower impact on a state. To calculate the FRASE Index score, RegData counts the number of individual restrictions in the CFR by identifying the words "shall," "must," "may not," "required," and "prohibited" and assigning the words to the appropriate industries.

McLaughlin and Sherouse argue in the FRASE Index, "When a state economy is highly concentrated in one or two industries, changes in regulation on those industries can dramatically affect the state's score on the Index. Some trends in the production of regulations, such as the growth of environmental and transportation regulations, play a large role in determining the levels of regulation on specific states."

Following the launch of the Mercatus FRASE Index, many states have been forced to consider the costs associated with federal regulations.

Alexandria Burris, a writer for *Greater Baton Rouge Business Report*, wrote in a [recent article](#) federal regulations impact Louisiana more than any other state: "Louisiana's score is 1.74, which indicates the impact of federal regulations on industries here are 74% higher than the impact on the nation overall. The state's top ranking in the report is reflective of the large chemical, manufacturing and oil and gas industries—each of which is heavily regulated—in the state."

Akash Chougule, director of policy for Americans for Prosperity, said in a recent press release, in which he cited the Mercatus results, New Jersey has seen a 14 percent increase in federal regulatory impact. "New Jersey ranked 38th on Mercatus' list, as the state has not been as impacted in recent years by EPA regulations which have hit states like West Virginia, Kentucky and others hard," said Chougule.

In a [recent blog post](#), Vance Ginn, an economist at the Center for Fiscal Policy at the Texas Public Policy Foundation, advises states to be cautious of burdensome government regulations following the study's conclusion that federal regulations have reduced average U.S. economic growth by about 0.8 percentage points per year since 1980. "While this doesn't seem like a big deal, it's important to note that economic growth compounds over time," said Ginn. "Therefore, the negative gap between economic growth without regulations compared with actual growth grows larger as it builds on itself each period."



Budget & Tax

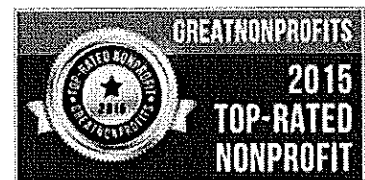
FDA Went Way Too Far on E-Cigarettes

Jeff Stier, a senior fellow at the National Center for Public Policy, argues in this *Heartlander* article the Food and Drug Administration's new deeming regulations effectively ban up to 98.5 percent of the e-cigarettes on the market today, potentially crippling the vaping industry. "If the FDA can't differentiate between responsible regulation and an effective ban, let me help: Reasonable rules institute vapor battery standards, marketing restrictions and a ban on sales to minors." [Read more](#)

Constitutional Reform

Virginia House Approves Resolution Calling for Article V Convention

Virginia lawmakers are now considering a resolution that would call for Congress to convene a national convention for the purpose of drafting an amendment to the U.S. Constitution and authorizing the state to participate. This *Heartlander* article by Ben Johnson discusses how this effort began and how states are becoming increasingly interested in the Article V movement. [Read more](#)



You have two opportunities this year to attend Heartland's Emerging Issues Forum!

**Summer - Chicago, IL
August 7-8, 2016**

**Winter - Orlando, FL
December 15-17, 2016**

Register Now!

Education

Research & Commentary: Missouri Education Savings Account Bill

On April 27, the Missouri House of Representatives passed a bill that would establish the Missouri Empowerment Scholarship Accounts Program, which would provide children with special needs and disabilities with an education savings account (ESA) that could be used to help pay for tuition at a private school that may better suit their individual needs. The bill still awaits a full vote in the state's Senate.

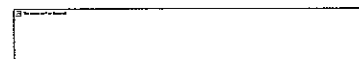
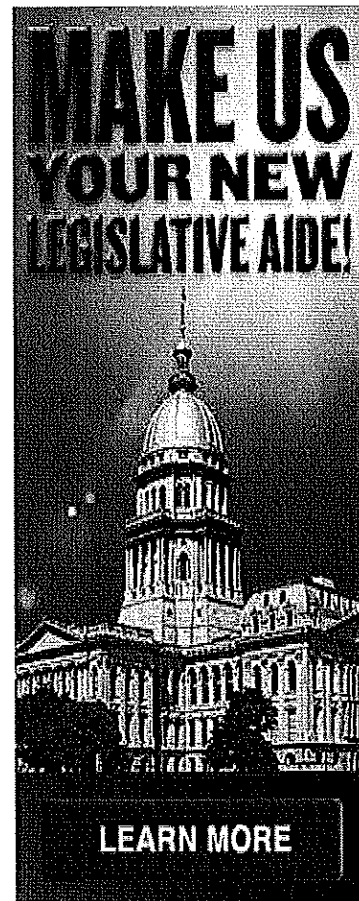
In this *Research and Commentary*, Heartland Policy Analyst Tim Benson writes, "This ESA program would be funded in a way that is similar to how tax-credit scholarship programs are funded. Individuals and businesses would receive a tax credit equal to 100 percent of the amount of their contribution, so long as the claimed tax credit does not 'exceed the amount of the taxpayer's state tax liability for the year which the credit is claimed.' These contributions and ESA accounts they fund would be handled by state-sanctioned 'educational assistance organizations.' The state would cap the maximum amount of contributions to the program at \$25 million per year. Qualifying students eligible for an ESA would receive an amount equal to 90 percent of their local school district's average per-pupil expenditures during the previous school year." [Read more](#)

Energy & Environment

Research & Commentary: Rhode Island Carbon Dioxide Tax Proposal

A carbon dioxide tax proposal promoted by Energize Rhode Island was introduced in the Rhode Island House of Representatives on January 27. This bill would establish a \$15-per-ton fee on companies selling fossil fuels in the state, paid at the first point of sale within state lines, starting on January 1, 2017. The tax would then increase by \$5 per ton each year. Proponents of the bill believe the tax will raise \$140 million during the first year, 70 percent of which would be returned to households and businesses through a rebate meant to offset increases in gasoline and utility bill costs. Five percent would go to pay administrative costs, while the other 25 percent would go into the state's Green Infrastructure Bank to help fund "climate resilience, energy efficiency, energy conservation, and renewable energy programs."

In this *Research and Commentary*, Heartland Policy Analyst Tim Benson writes, "Electricity costs in Rhode Island are already the sixth highest in the nation, and instead of adding a



The March issue of *Budget & Tax News* reports Texas Gov. Greg Abbott's support for convening a convention of the states to consider and draft a constitutional amendment requiring a balanced national budget.

new tax, elected officials should set their taxes at low, competitive rates that are applied to a broad base. ... Building more pipeline infrastructure, for example, would bring in greater amounts of natural gas into Rhode Island and would be much more effective than a burdensome tax at lowering emissions, lowering unemployment, and spurring economic productivity.” [Read more](#)

[Environment & Climate News](#)

[Health Care News](#)

Health Care

[Research & Commentary: Oklahoma ‘Medicaid Rebalancing’ is Simply Medicaid Expansion](#)

[School Reform News](#)

Oklahoma legislators are now considering a Medicaid expansion proposal called the Medicaid Rebalancing Act, which is similar to the expansion undertaken in Arkansas. It would shift about 175,000 pregnant women and children off of Medicaid and into private insurance plans, which would be purchased with subsidies through the federal marketplace.

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans argues that “while the Medicaid Rebalancing Act faces several hurdles, including federal approval for the expansion and a three-fourths vote for the tobacco tax increase, it is important to recognize the real problems expansion creates. Using a declining revenue source to pay for an increasingly expensive Medicaid expansion will fail to provide better or more affordable health care and create budgetary problems.” [Read more](#)

From Our Free-Market Friends

[National Alliance for Public Charter Schools Releases New Report](#)

The National Alliance for Public Charter Schools recently released a new report titled *Demanding a Chance: Parents’ Demand for Charter Schools Continues to Grow*. The report’s authors found 78 percent of parents support a charter school opening in their neighborhood and an equal number of parents favor additional school choice options, regardless of where they live. Now, more than ever, parents across the nation want to be able to choose the best public school for their child, and the results from this survey reinforce the demand for more high-quality charter schools. [Read more](#)

Heartland Institute

The Heartland Institute is a 30-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.

Our Websites

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[Heartlander Magazine](#)
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Heartland Institute: The Government Relations Team | nmakla@heartland.org |

Heartland Institute | 3939 North Wilke Road | Arlington Heights, IL 60004

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From: Peter McCloud
Sent: Wednesday, May 25, 2016 4:52 PM
To: Rep48
Subject: Legislative Aide Position
Attachments: PeterMcCloudResume.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Representative Schuring,

My name is Peter McCloud and I am writing you to inquire if you have any Legislative Aide positions available with your office. I've recently graduated from Ohio State with a degree in Political Science and currently work part time at Americans for Prosperity doing conservative grassroots work. I am a lifelong Republican with internship experience with Senator Rob Portman and Rep. Pat Tiberi. I would very much like to join your staff and have attached my resume. I look forward to hearing from you soon.

Sincerely,

Peter McCloud

PETER R. MCCLOUD

969 Perry Street Apartment 301 Columbus, OH 43215 • 614-582-8573 • Peter.McCloud15@gmail.com

EDUCATION	The Ohio State University, Columbus, Ohio • Bachelor of Arts in Political Science, specialization in American Politics	May 10, 2015
WORK EXPERIENCE	Field Associate, Columbus, Ohio Americans For Prosperity Foundation • Economic Policy Advocacy: phone banking and canvassing to general public regarding conservative economic principles. Using i360 canvassing application to manage all communications with the general public • Developed and managed Social Media marketing channels for Columbus Ohio branch. Launched Twitter account, including designing Twitter header and managed day-to-day social media outreach. @ColumbusAFP • Coordinate and participate in monthly Day of Action, where Columbus AFP works with volunteers to promote Economic Policy	December 2015 - Present
	Server, Columbus, Ohio The Winking Lizard Tavern, Columbus, Ohio • Server: responsible for Guests, tables, clean work environment with strong multi-tasking skills • Detailed knowledge of Craft Beer	September 2012 - Present
	Campaign Intern, Columbus, Ohio Senator Rob Portman • Grassroots Campaign Outreach: phone banking and canvassing to general public regarding 2016 Senate election • Coordinate and participate in events for the Senator including events at Ohio State University	May 2015 - December 2015
	Legislative Intern, Washington, D.C. Congressman Patrick J. Tiberi, 12 th District Ohio • Constituent Services • Capitol tour guide • Email, phone, file management	June 2011 - August 2011
	Leadership Institute, Arlington, Virginia Youth Leadership School • Two day "Political Bootcamp" • Campaign coordination • Earned media, public relations	July 2011
	Soccer Referee, Columbus, Ohio Mid Ohio Select Soccer League • U.S. Soccer Federation Certified, Grade 8	Spring 2003 - Spring 2012
TECHNOLOGY SKILLS	i360 Calls and Walk, MS Excel, Word, PowerPoint, MS Access, Windows and Mac OS, Social Media Applications, Google Apps	
REFERENCES	Available upon request	
WEBSITE	https://www.linkedin.com/in/peter-mccloud-222385b	

From: Rep48
Sent: Wednesday, May 25, 2016 5:53 PM
To: Hofer, Andrea
Subject: FW: Legislative Aide Position
Attachments: PeterMcCloudResume.pdf

From: Peter McCloud [mailto:peter.mccloud15@gmail.com]
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To: Rep48
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REFERENCES	Available upon request	
WEBSITE	https://www.linkedin.com/in/peter-mccloud-222385b	

From: Rep48
Sent: Wednesday, May 25, 2016 8:20 PM
To: 'Peter McCloud'
BCC: Fleck, Craig
Subject: RE: Legislative Aide Position
Attachments: PeterMcCloudResume.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Peter,

Our office is not currently seeking additional staff members. I would recommend that you reach out to the Ohio House Deputy Administrative Officer, Craig Fleck at Craig.Fleck@ohiohouse.gov. Should the House currently be hiring, he will be your main source of information.

Best,

Justin Zielinski
Legislative Aide
Ohio House of Representatives
Office of State Representative Kirk Schuring
77 South High Street, 11th Floor
Columbus, Ohio 43215
614-752-2438



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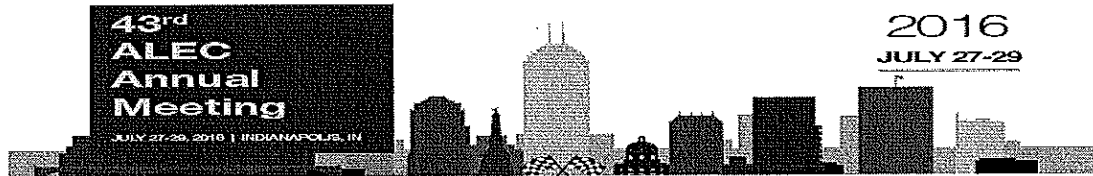
Peter McCloud

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REFERENCES	Available upon request	
WEBSITE	https://www.linkedin.com/in/peter-mccloud-222385b	

From: Courtney Cook
Sent: Monday, June 13, 2016 4:20 PM
To: Rep48
Subject: Annual Meeting: Speaker Announcement



New Speaker Announcement!



Luke Hilgemann is the Chief Executive Officer of Americans for Prosperity and Americans for Prosperity Foundation. He was previously AFP's COO and before that served as the Wisconsin State Director. A native of Wisconsin, Luke has spent his life and career fighting for lower taxes, limited government, personal freedom, fiscal restraint, and sound economic principles. Prior to his work at AFP, Luke worked in the Wisconsin state legislature, most recently as chief of staff for the majority leader in the State Assembly. Luke is a veteran of Wisconsin politics, having worked on several successful campaigns across the state.

Secure your spot at the events
below!

RSVP →

Kemp Forum on Expanding
Opportunity

- For more information about this event, [visit here](#).

A Majority That Matters Reception

- Further details about this reception can be [found here](#).

Camp Atterbury Shooting Range Tour

- More information on this tour and a detailed schedule for this outing can be [found here](#).

Freidman Foundation for Educational
Choice Reception

- Want more details about this event? [Please check here](#).

*To RSVP to any of these events, please
email gcoia@alec.org

Register Today!

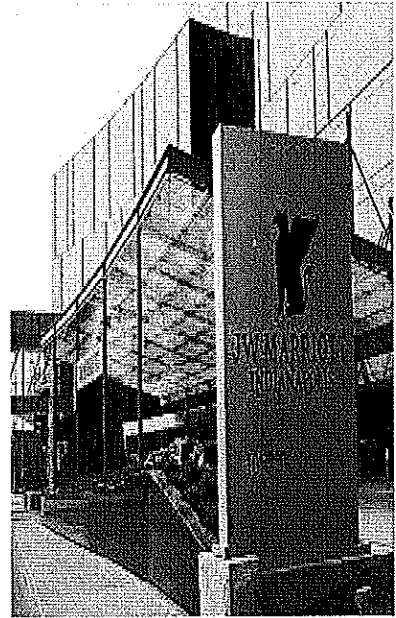
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Meeting today.



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The JW Marriott is the host
hotel for this year's ALEC
Annual Meeting. We have
worked with the hotel to
secure this highly discounted
rate of \$189. Take advantage
of this price today and book
your reservation!

The hotel deadline is July 1!



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From: Heartland Institute: The Government Relations Team

Sent: Thursday, July 28, 2016 3:02 PM

To: Rep48

Subject: The Leaflet - Free-Market Allies Celebrate Milton Friedman's Legacy



Free-Market Allies Celebrate Milton Friedman's Legacy

Millions of families have benefitted from Milton Friedman's legacy and his vision of school choice being available to every American child. On July 21, free-market allies will celebrate educational choice on what would have been Friedman's 104th birthday!

Robert C. Enlow, president and CEO of the Friedman Foundation for Educational Choice, recently celebrated Friedman's passion for educational choice, calling it the fairest and most effective way to provide education. "The Friedmans' interest in improving the American education system began in 1955. By 1996, the Friedman Foundation for Educational Choice was born, and now, more than half of the U.S. offers families school choice programs."

Free-market organizations advocating for school choice are the heirs to Friedman's legacy, and many of these groups, including The Heartland Institute, will celebrate the life and work of Friedman this week.

The Mackinac Center for Public Policy and Northwood University Forum for Citizenship and Enterprise will celebrate Friedman at their 10th Annual Milton Friedman Legacy Day, which will be held on Friday, July 29 at 11:30 a.m. in Midland, MI.

Missouri's Show-Me Institute will celebrate the work of Friedman and the diverse set of educational options that exist in St. Louis by hosting its Friedman Legacy Day Event, keynoted by James Shuls, the distinguished fellow of education policy, on Friday, July 29 at noon.

The Texas Public Policy Foundation will honor Milton Friedman Legacy Day by hosting a birthday celebration for the renowned free-market economist on Thursday, July 28 at 3:30 p.m. The event will offer games, prizes, and ice cream, which will be enjoyed as attendees remember Friedman's life and his lasting impact on today's economy.

On Friday, July 29 at noon, the Arizona chapter of Americans for Prosperity will host a Milton Friedman Legacy Day luncheon in Tucson "to discuss the future of school choice and education reform, and to celebrate the birthday of the late economist Milton Friedman." Max Eden, a senior fellow at the Manhattan Institute, will speak at the event.

If you are in Indianapolis for the American Legislative Exchange Council's event, please don't miss the Friedman Foundation ceremony on Friday, July 29.

In addition to all the festivities taking place across the nation, the Friedman Foundation has a big announcement scheduled for Friday, July 29. At its Friedman Legacy Day, the board of directors and staff leadership at the Friedman Foundation will announce a new name and strategic plan for the organization "that will keep their vision of universal school choice at the forefront of the school choice movement." 2 Staff from The Heartland Institute will attend this exciting event to celebrate Friedman's life and legacy.

WHAT WE'RE WORKING ON

Don't Miss the Premiere of *A Billion Lives*

After a successful international film festival run, the award-winning documentary *A Billion Lives* will have its red-carpet North American premiere at the historic Pabst Theater in Milwaukee, Wisconsin. Please join The Heartland Institute on Saturday, August 6 for a special showing of this important film. General admission tickets start at only \$20, and doors open at 7:00 p.m. For more information, visit [A Billion Lives website](#).

Budget & Tax

Research & Commentary: Economic Development Programs Rarely Work, New York's START-UP Is Latest Example
New York's multimillion-dollar signature economic development plan, START-UP, was recently reported to have created only 408 jobs in its first two years, far below the numbers initially predicted by START-UP proponents. In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines START-UP and how it could serve as a cautionary tale for other states. "State tax incentives often fail to live up to their promises to encourage economic growth and are usually given for business and industries with the most political clout. Lawmakers should avoid complicating the tax code by creating new tax credits and exemptions and instead focus on attracting business by simplifying and lowering marginal tax rates," wrote Glans. [Read more](#)

Education

ACLU Appeals Nevada Judge's Ruling Upholding ESA
Nevada ranks 49th or in studies examining student achievement, but that hasn't stopped the American Civil Liberties Union from opposing school choice by appealing a Las Vegas judge's ruling determining the state's education savings accounts (ESA) program to be constitutional. ESAs allow parents to customize their children's education by empowering



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them with the ability to use public funds on a wide variety of educational goods or services. Government Relations Intern Tori Hart reports in a recent *Heartlander* article how the state's ESA program works to improve education. "Ninety-six percent of K-12 students in Nevada are eligible for the state's ESA program, which allows parents to transfer their students out of public schools and have access to all or a portion of the state money that would have been spent on their child in public school to spend on their choice of educational services, such as private school tuition, textbooks, or tutoring." [Read more](#)

Energy & Environment

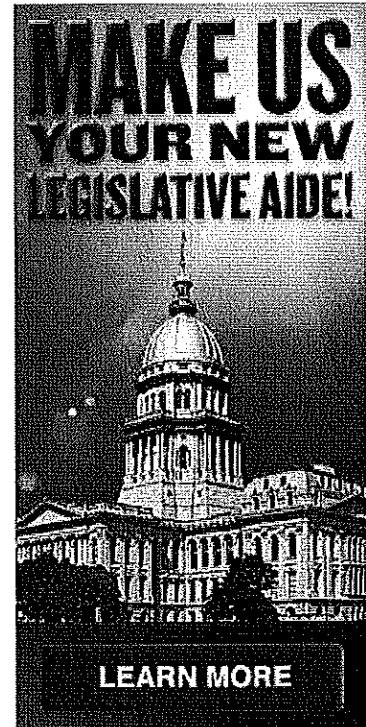
Wisconsin Department of Natural Resources Draft Comprehensive Study Finds Frac Sand Mining Environmentally Sound

A draft report of a strategic analysis of the mining of industrial silica sand, also called "frac sand," was released in June 2016 by the Wisconsin Department of Natural Resources (DNR). The study found the process used to mine frac sand is safe for the environment and for people. The DNR report also provides "factual information about the industry and typical operations, as well as about air quality, water quality, wetlands, groundwater, wildlife, endangered resources, and socio-economics." In this *Research & Commentary*, Policy Analyst Tim Benson argues frac sand mining is not a threat to tourism, scenic beauty, or property values. "The DNR strategic analysis, in a blow to anti-frac-sand groups, found no elevated levels of particulate matter in the air near mining sites," wrote Benson. [Read more](#)

Health Care

Research & Commentary: Massachusetts Is Latest State to Consider Single-Payer Health Care

Massachusetts lawmakers are now considering two bills that would make Massachusetts the first state to institute a statewide single-payer health care system, which would be called MassCare. In this *Research & Commentary*, Senior Policy Analyst Matthew Glans discusses the many problems that would be created by a single-payer system and warns legislators against moving in that direction. "Single-payer systems face major obstacles that make implementation difficult, if not impossible. MassCare's proponents have greatly underestimated the costs of implementing and maintaining a single-payer health insurance system and the effects it would have on individual patients and the health care market," [Read more](#)



POLICY NEWSPAPER




The July issue of *Budget & Tax News* reports Tennessee Gov. Bill Haslam signed a measure repealing the state's Hall tax on interest and investment dividends, the state's only tax on an individual's income. The measure phases out the tax over five years. Justin Owen, president of the Beacon Center of Tennessee, expects the repeal to be good for the state's economy, noting,

"We have talked to numerous investors and job creators who have moved out of Tennessee because of the Hall tax. By eliminating it, we hope to bring those Tennesseans home, while also encouraging others to move into our state."

[Environment & Climate News](#)

[Health Care News](#)

[School Reform News](#)

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	<p>The Heartland Institute is a 32-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.</p>	<p><u>The Heartland Institute</u> <u>Heartlander Magazine</u> <u>PolicyBot</u> <u>Somewhat Reasonable</u> <u>The Parent Trigger</u> <u>Climate Conference</u></p>

This message was sent to rep48@ohiohouse.gov from:

Heartland Institute: The Government Relations Team | nmakla@heartland.org |

Diane Bast | 3939 North Wilke Road | Arlington Heights, IL 60004

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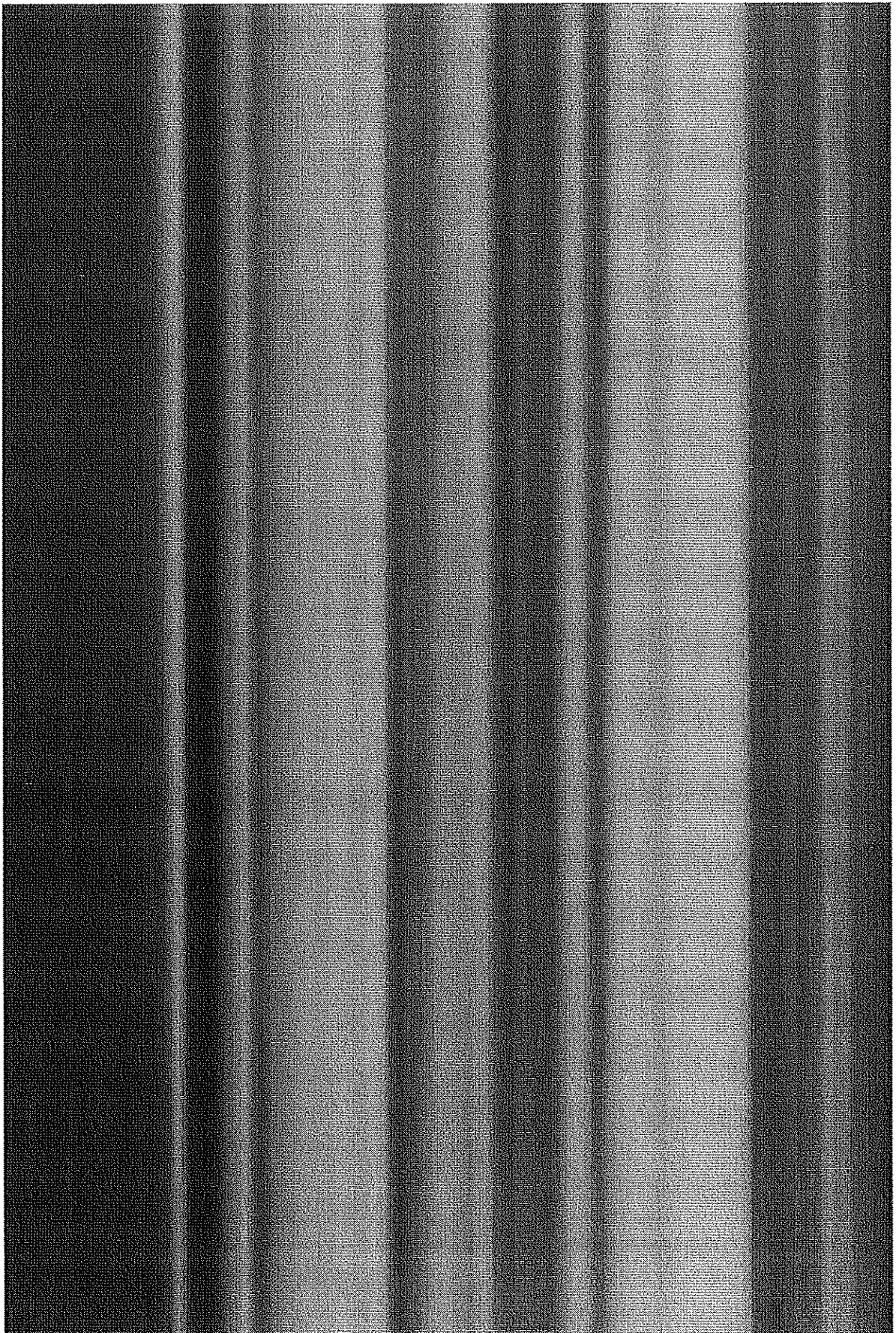
From: ExcelinEd News

Sent: Friday, January 27, 2017 5:19 PM

To: Rep48

Subject: Open Letter of Support for Betsy DeVos for U.S. Secretary of Education

[View this release online.](#)



Open Letter of Support for Betsy DeVos for U.S. Secretary of Education



Tallahassee, Fla. - Today, 72 leaders and organizations, including the Foundation for Excellence in Education, joined the following [open letter](#) to show their support for Betsy DeVos as U.S. Secretary of Education.

Betsy DeVos is an undisputed champion of families and students. For nearly 30 years she has devoted time and resources to improving education options for our nation's children. Yet millions still languish in failing schools in an education system more than a century old. It's time for a new vision.

Betsy DeVos provides that vision. She embraces innovation, endorses accountability and—most especially—trusts parents to choose what is in their unique child's best interests. She also believes in providing every parent with the resources and choices to pursue those decisions.

On this week, National School Choice Week, we the undersigned endorse this champion of choice and the education reforms needed to improve the future of every child in America. And we strongly advocate for her confirmation as our next U.S. Secretary of Education.

Sincerely,

Jeff Atwater, Chief Financial Officer, State of Florida
State Representative Robert Behning, Indiana
State Representative Michael Bileca, Florida
State Representative Buzz Brockway, Georgia
State Representative Wes Cantrell, Georgia
State Representative David Clark, Georgia
State Representative Kim Coleman, Utah
State Representative Manny Diaz, Jr., Florida
Steve Durham, Member, Colorado State Board of Education
Lt. Governor Dan Forest, North Carolina
State Senator Dolores Gresham, Tennessee
State Senator Don Gustavson, Nevada
State Senator Joe Hardy, Nevada
State Senator Owen Hill, Colorado
State Representative Paul Lundeen, Colorado
Pam Mazanec, Member, Colorado State Board of Education
Adam Putnam, Commissioner of Agriculture, State of Florida
State Senator Michael Roberson, Nevada
State Representative Rebecca Roeber, Missouri
State Representative Ed Setzler, Georgia
State Representative Valencia Stovall, Georgia

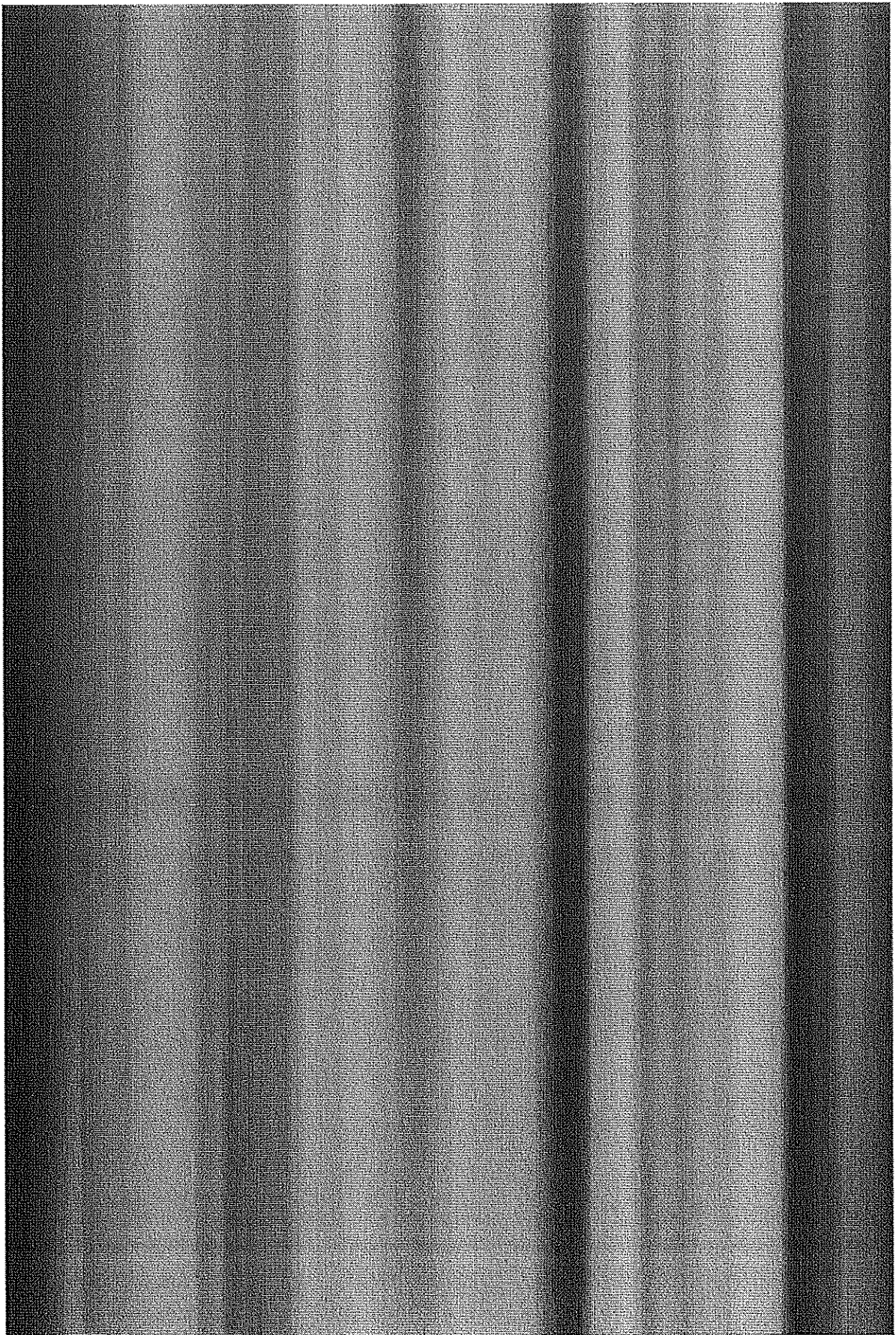
Agudath Israel of America-Washington Office
Alabama Federation for Children
American Association of Christian Schools
Arizona Federation for Children
Frederick Hess, Resident Scholar and Director of Education Policy Studies, American Enterprise Institute*
American Federation for Children
Americans for Prosperity
Americans for Prosperity-Arizona
Arizona Chamber of Commerce and Industry
Arizona Charter Schools Association
Black Alliance for Educational Options
Business Council of Alabama

CarolinaCAN
Center for Arizona Policy
Children's Education Alliance of Missouri (CEAM)
Civitas-North Carolina
EdChoice
Educate Nebraska
Empower Mississippi
Foundation for Excellence in Education
Florida Charter School Alliance
Florida Coalition of School Board Members
Georgia Charter Schools Association
Great Lakes Education Project (GLEP)
Hispanic CREO
Idaho Charter School Network
Independence Institute
Independent Women's Voice
Institute for Better Education
Institute for Quality Education
Jeffersonian Project
Louisiana Association of Business & Industry
Louisiana Federation for Children
Mackinac Center for Public Policy
Maggie's List
Missouri Education Reform Council (MERC)
National Alliance for Public Charter Schools
Parents for Choice in Education
Parents for Educational Freedom in North Carolina (PEFNC)
Pennsylvania Coalition for Public Charter Schools
Public School Options
Ready Colorado
Reason Foundation
Rio Grande Foundation
SchoolForward
Tennessee Federation for Children
Texans for Education Opportunity
The Center for Education Reform

The Libre Initiative
Thomas B. Fordham Institute
Wisconsin Federation for Children

**Signing as an individual. AEI as the organization does not take a stance on such matters.*

The Foundation for Excellence in Education (ExcellinEd) is a national leader in education reform. ExcellinEd is a hands-on, how-to policy and advocacy organization that designs and promotes model legislation and supports states with technical expertise, policy development and implementation strategies and public outreach.





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ExcelinEd, P.O. Box 10691, Tallahassee, FL 32302

From: Building Blocks for Liberty

Sent: Thursday, May 25, 2017 4:38 PM

To: Rep48

Subject: Hamilton County, You Asked For It, You Got It, Constitution Boot Camp
XXXIII !

Unsubscribe

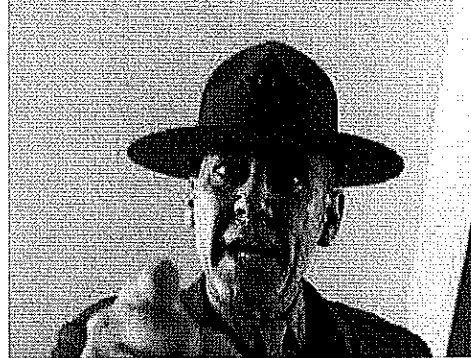
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Learn what the Founders intended our federal government to really be
versus what it has become and learn how we need to fix it !



Constitution Boot Camp XXXIII Is Being Held In Hamilton County!



Building Blocks for Liberty presents their 33rd Constitution Boot Camp at the EmpowerU studio with lunch provided by American's for Prosperity.

You have been asking for us to hold a Boot Camp in Hamilton county so we are holding number 33 in Springdale on June 17th, THEN we are holding number 34 in Sycamore Township on July 22nd !

The Boot Camp is a six-hour workshop, with a break for lunch, which outlines the key concepts and ideas of the Constitution in simple, easy to understand terms. It is appropriate for teenage students and older.

Topics to be covered include:

- How did the Founders view government?
- What are Natural Law and Natural Rights?
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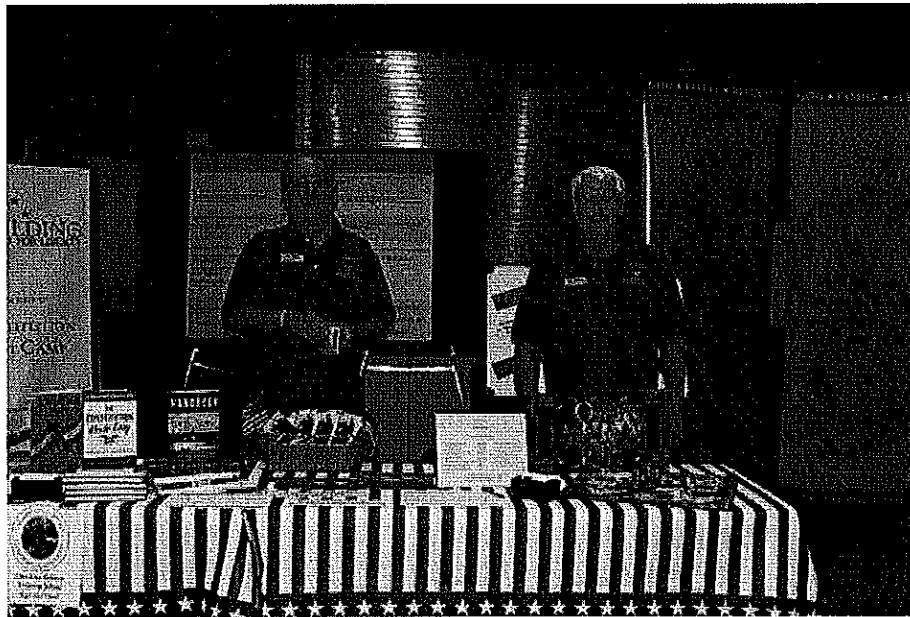
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Who is Building Blocks for Liberty?

Building Blocks for Liberty is an Ohio registered non-profit educational organization dedicated to the preservation of the U.S. Constitution by teaching others the importance of this historical document that governs our nation.

Building Blocks for Liberty is the brainchild of Marines Jim Lewis and John Hindery.



Jim Lewis (left) and John Hindery (right)

In the United States Marine Corp, Jim and John spent four years defending the United States and the Constitution they took an oath to uphold and protect. As American citizens, they became increasingly alarmed as they watched in astonishment the endless attacks on the liberties of Americans by an overreaching government. Determined to stop the daily barrage of misinformation, the two men decided to combine their love of history with a desire to educate the public the truth about the Constitution, and developed the unique teaching partnership now known as Building Blocks for Liberty.

The first Constitution class began in 2011 as a 10 week course and met once-a-week. Due to the time commitment required, many who wanted to attend could not. However, people were able to attend a more compact, one-day version of this popular course, so, in 2013; the first "Boot Camp" was born.

In July of 2014, Building Blocks for Liberty (BBFL) was incorporated to be an organizational umbrella. Its mission is to educate people about the truth of the Constitution

To date, BBFL has taught over 30 Constitution Boot Camps in southern Ohio, including Columbus, Xenia and Dayton, SE Indiana and Northern Kentucky. Using materials provided by BBFL, this class is now being taught as far away as Texas.

BBFL's goal is to start an online class to reach an

even broader audience, allowing easy access to the presentation where individuals can study it one module at a time and complete the class at their own pace. BBFL is currently working to make this study available on DVDs.

Here are the logistics for **CBC XXXIII** :

Location: EmpowerU Studio

**Address: 225 Northland Blvd, Springdale, OH,
45246**

Date: SATURDAY, June 17, 2017

Time: 10:00 AM to 4 PM

NOTE there is a time change for this class !

To get directions go here:

Directions To Boot Camp

To Register For This Class

For information go to **Constitution Boot Camp
XXXIII**

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Learn what the Founders intended our federal government to really be versus what it has become and learn how we need to fix it !





Constitution Boot Camp XXXIII Is Being Held At The EmpowerU Studios!

We have been looking for the proper venue to hold a class in Hamilton County and with the folks at EmpowerU stepping up, we have found it !

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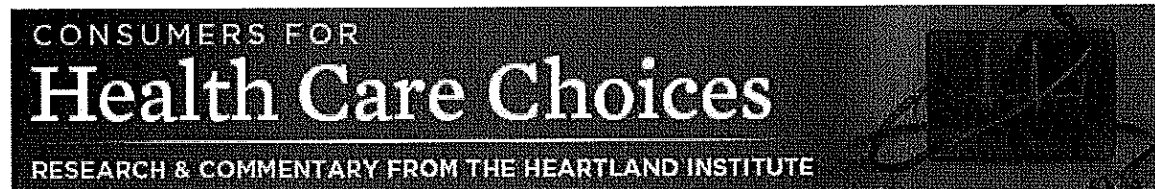
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Why Arkansas' Medicaid Rollback Could Be a Model for Expansion States

Medicaid expansion has placed a severe financial strain on the budgets of the states that chose to expand under the provisions instituted by the Affordable Care Act (ACA). In several states, lawmakers are offering proposals to roll back or repeal their Medicaid expansion under new plans designed to improve the flawed program. Medicaid expansion, at its core, builds on a failing model in which the federal government dictates multiple aspects of the government insurance plan, thereby losing the beneficial aspects of market competition.

Arkansas is the originator of private-option model that many states used to expand their Medicaid programs. With its Medicaid expansion failing to contain rapidly increasing costs, Arkansas will soon become the first state to enact reforms significantly scaling back Medicaid expansion under the ACA.

Under Arkansas' "premium assistance" model, which was passed in 2013, an estimated 250,000 new enrollees were added to the state's Medicaid rolls. These new enrollees are able to purchase private insurance from the state's Obamacare health insurance exchange, receiving a premium-support payment to purchase the insurance. Despite the private-market veneer, Arkansas' program maintained many of the most problematic aspects of the state's failed Medicaid system and has led to increased costs.

Arkansas legislators recently passed a bill that shrinks eligibility for the expanded Medicaid program from 138 percent of the federal poverty level (FPL) down to 100 percent FPL. The reduced eligibility standards is expected to reduce state Medicaid rolls by 60,000 people, or approximately 20 percent of the total Medicaid-expansion enrollment. In a statement on Arkansas' Medicaid rollback, Americans for Prosperity argued this "is a good step towards bringing the program closer to its originally intended beneficiary group, and ensuring that limited state and federal dollars are flowing to the Arkansans who need it most."

In its initial expansion, Arkansas chose not to impose premiums on beneficiaries with incomes under the poverty level, and despite the fact it had obtained a waiver from the Centers for Medicare and Medicaid Services to do otherwise, it never collected premiums from people with incomes from 100-138 percent of the federal poverty level.

The new law also requires state leaders to submit requests to the federal government for a waiver that would allow the state to require work requirements for able-bodied individuals seeking to enroll. The Trump administration has suggested it supports similar reforms in past, which means the waiver will likely be approved. The new work requirements that would be included with the rollback use methods that proved to be very effective when they were included in the welfare reforms of the 1990s; in a study examining poverty after the 1990's welfare reforms, the Manhattan Institute found the inclusion of work requirements led to substantial reductions in poverty nationwide.

Amongst the most significant problems with Medicaid expansion is a lack of clear funding in the future. The federal government has promised to cover 100 percent of the costs of newly eligible enrollees until 2017, but the matching

rate declines over time, so states will eventually have to find other ways to pay for the newly eligible population.

In a report from the Department of Health and Human Services (HHS), an examination of Medicaid's finances found the average cost of ACA's Medicaid expansion enrollees was nearly 50 percent higher in fiscal year 2015 than the levels HHS had projected the previous year. In 2015, Medicaid expansion enrollees cost an average of \$6,366; HHS had predicted it would be \$4,281.

Medicaid expansion is already straining and stretching Arkansas= 2 budget and creating serious issues related to waste and fraud. According to *The Washington Post*, the initial projections by an actuary firm hired by Arkansas to review the plan found the premium-support model would cost federal taxpayers \$18.9 billion over the next 10 years and an additional \$1.59 billion from Arkansas taxpayers.

Arkansas is not the only state to consider rolling back its Medicaid expansion. Legislators in Ohio and Oregon are considering reforms similar to what was passed in Arkansas.

States that have not expanded should avoid doing so, but for states that have expanded Medicaid, Arkansas' reforms could be a good model for limiting the growth and cost of Medicaid expansion. Other states should take advantage of the waiver process while there is an administration in the White House willing to approve reform-minded Medicaid changes.

You can find additional documents examining Medicaid reform in greater detail here.

Nothing in this *Research & Commentary* is intended to influence the passage of legislation, and it does not necessarily represent the views of The Heartland Institute. For further information on this subject, visit Health Care News, The Heartland Institute's website, and PolicyBot, Heartland's free online research database.

If you have any questions about this issue or The Heartland Institute's website, contact John Nothdurft, The Heartland Institute's government relations director, at john@heartland.org or 312/377-4000.

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Arlington Heights, IL 60004

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Time: 10:00 AM to 4 PM

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Husted announces statewide campaign operations (Dayton Daily News, 6/13/2017)

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Ohio wins Supreme Court case on business tax (Dayton Daily News, 6/13/2017)

Ohio Senate cuts lead plan from budget (Toledo Blade, 6/13/2017)

EDITORIALS

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Release pipeline protest reports (Toledo Blade, 6/13/2017)

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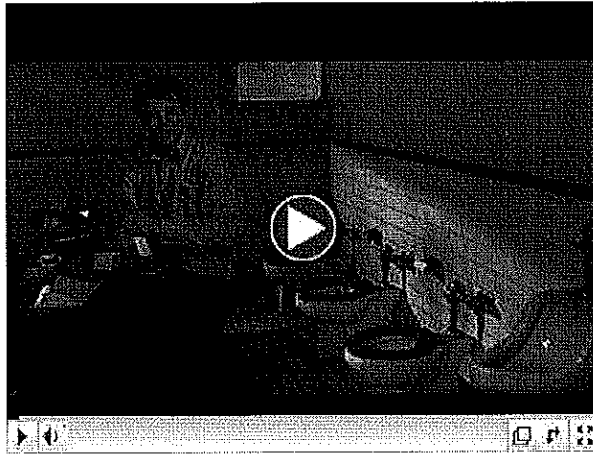
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Be like Buford, learn how the federal government is really supposed to work then you can hold your congressmen accountable.

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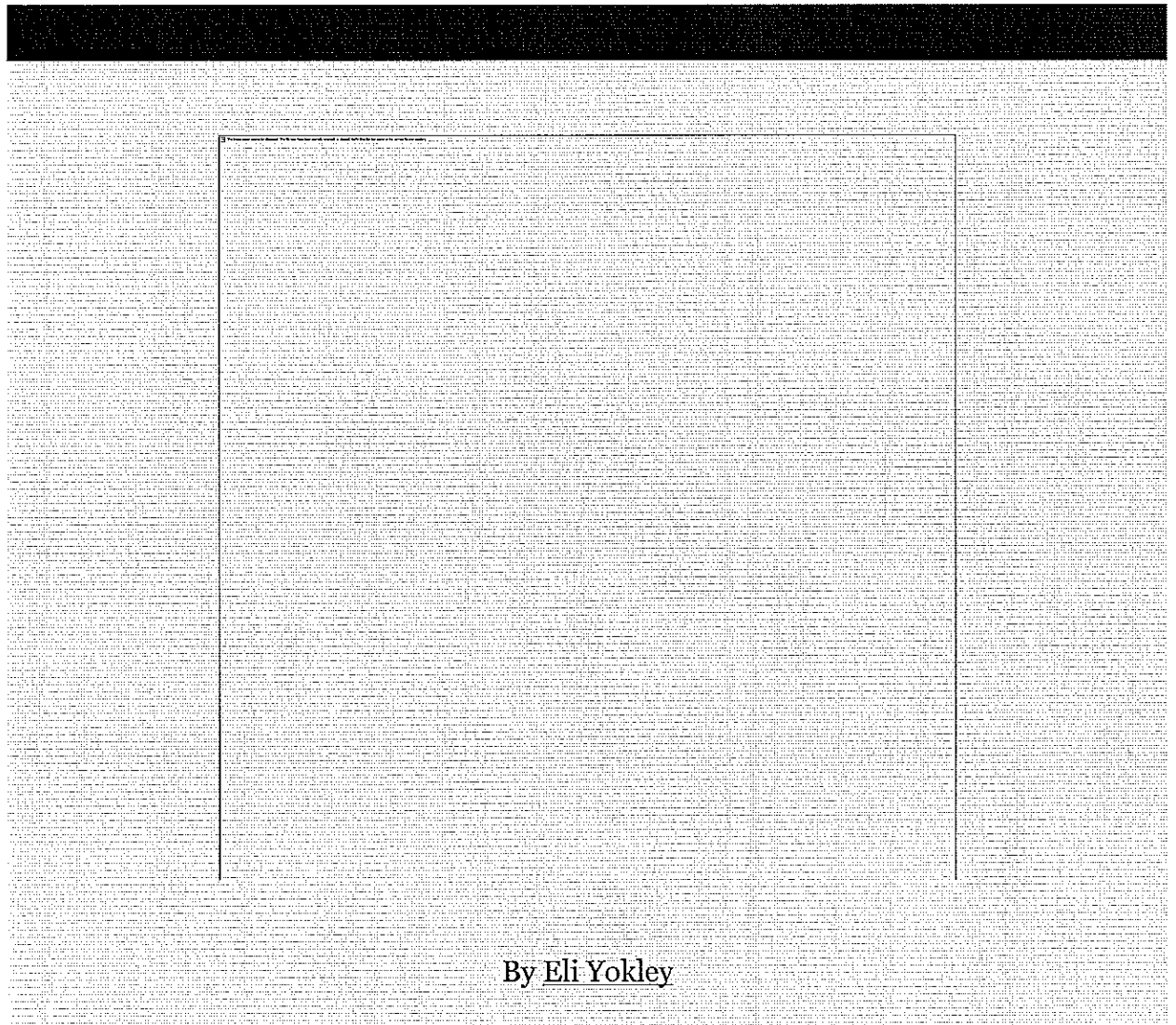
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By **Eli Yokley**

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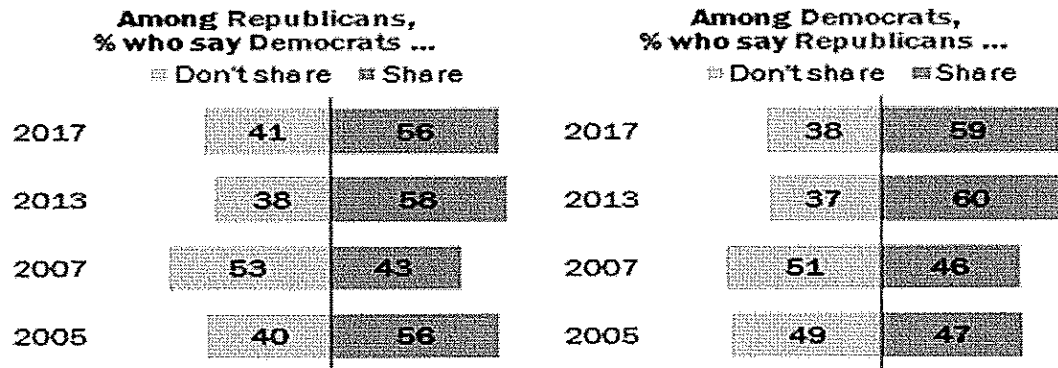
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- House Speaker Paul Ryan (R-Wis.) went to a factory in Massachusetts to pitch his tax reform plan, calling a 20 percent business tax rate "realistic." Republicans are aiming to pass comprehensive tax reform this year. ([CNBC](#))
- The United States is said to be preparing a ban on Americans traveling to North Korea. The reported policy shift follows the death of Otto Warmbier, a U.S. student who died after being imprisoned in North Korea, where he was on a tour. ([Reuters](#))

Chart Review

Since Trump's Election, Increased Attention to Politics - Especially Among Women
Pew Research Center

Most partisans say - aside from politics - those in the other party share many of their other values and goals

% who say, though they feel differently about politics, members of the other party probably _____ many of my other values and goals



Note: Based on partisans. Don't know responses not shown.

Source: Survey conducted June 27-July 9, 2017.

Trends from CBS (2012, 2005) and CBS/NYT (2007) surveys.

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Events Calendar (All Times Local)

FRIDAY

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